

## EXHIBIT “4”



Transcript of the Testimony of

**BRIAN REYNOLDS**

July 28, 2021

**KAREEM TORAIN**

- VS -

**CITY OF PHILADELPHIA**

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BRIAN REYNOLDS

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| <p>1 A P P E A R A N C E S</p> <p>2</p> <p>3</p> <p>4 LAW OFFICE OF MICHAEL PILEGGI<br/>BY: MICHAEL PILEGGI, ESQUIRE<br/>303 Chestnut Street<br/>Philadelphia, Pennsylvania 19103<br/>Attorneys for the Plaintiff</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9 MARSHALL, DENNEHEY, WARNER, COLEMAN &amp;<br/>GOGGIN<br/>BY: JOHN P. GONZALES, ESQUIRE<br/>2000 Market Street<br/>Suite 2300<br/>Philadelphia, Pennsylvania [!ZIP2]<br/>Attorneys for Police Officer Reynolds</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14 CITY OF PHILADELPHIA LAW DEPARTMENT<br/>BY: JOSEPH SENGOKA, ESQUIRE<br/>1515 Arch Street<br/>14th Floor<br/>Philadelphia, Pennsylvania [!ZIP3]<br/>Attorneys for City of Philadelphia</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20 A L S O P R E S E N T</p> <p>21 Jeffrey Walker - pro se</p> <p>22</p> <p>23</p> <p>24</p> | <p>Page 2</p> <p>1 (By agreement of counsel, the</p> <p>2 sealing, filing and certification of the</p> <p>3 transcript has been waived; and all</p> <p>4 objections, except as to the form of the</p> <p>5 question, have been reserved until the time</p> <p>6 of trial.)</p> <p>7</p> <p>8 BRIAN REYNOLDS, after having been</p> <p>9 duly sworn, was examined and testified as</p> <p>10 follows:</p> <p>11 ATTORNEY PILEGGI: Before we</p> <p>12 begin let's put on the record that this is</p> <p>13 the deposition of Brian Reynolds. All</p> <p>14 parties were noticed. Specifically I</p> <p>15 noticed Mr. Gonzales with respect to his</p> <p>16 client, Officer Reynolds, who is present.</p> <p>17 Also present is Jeffrey Walker, defendant</p> <p>18 Jeffrey Walker.</p> <p>19 And I also noticed the City defendants who</p> <p>20 are represented by the City solicitor's</p> <p>21 office, Jonathan Cooper and Joe Sengoka.</p> <p>22 The deposition was supposed to</p> <p>23 begin at 10:00. It is now 10:20. The City</p> <p>24 defendants are not present. We are going</p>  |
| <p>1 I N D E X</p> <p>2</p> <p>3 WITNESS</p> <p>4 BRIAN REYNOLDS</p> <p>5</p> <p>6 By: Attorney Pileggi</p> <p>7</p> <p>8</p> <p>9 - - -</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15 E X H I B I T S</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>   | <p>Page 3</p> <p>1 to commence the deposition. If they come</p> <p>2 in we will put on the record then when they</p> <p>3 come in.</p> <p>4 ATTORNEY GONZALES: The witness</p> <p>5 is going to read and sign. And just as a</p> <p>6 dove tail to what Mr. Pileggi said as far</p> <p>7 as notice, et cetera, I note in the email</p> <p>8 sending the Notice of Deposition for</p> <p>9 Officer Reynold's deposition that</p> <p>10 Mr. Walker was not included on that email</p> <p>11 and nor did I receive any other</p> <p>12 notification that Mr. Walker had been</p> <p>13 notified about the deposition.</p> <p>14 So if there was another communication with</p> <p>15 Mr. Walker --</p> <p>16 ATTORNEY PILEGGI: And let me</p> <p>17 just say for the record, pursuant to the</p> <p>18 Judge's order that Mr. Walker was to be</p> <p>19 involved and was representing himself pro</p> <p>20 se, I did send a notice to Mr. Walker with</p> <p>21 regards to today's deposition and evidently</p> <p>22 he obviously he appeared.</p> <p>23 ATTORNEY GONZALES: Okay. I</p> <p>24 would just ask moving forward that any</p> |

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| <p>Page 6</p> <p>1 communication with any of the parties that</p> <p>2 the other parties be notified of those</p> <p>3 communications.</p> <p>4 ATTORNEY PILEGGI: And I believe</p> <p>5 I did. I will look on a break.</p> <p>6 BY ATTORNEY PILEGGI:</p> <p>7 Q. Ready to begin?</p> <p>8 A. Sure.</p> <p>9 Q. Can you state your full name for the</p> <p>10 record, please.</p> <p>11 A. Police Officer Brian Reynolds,</p> <p>12 R-E-Y-N-O-L-D-S, badge 4268.</p> <p>13 Q. And you're a Philadelphia police officer,</p> <p>14 correct?</p> <p>15 A. Yes.</p> <p>16 Q. And how long have you been a Philadelphia</p> <p>17 police officer?</p> <p>18 A. 28 years next month.</p> <p>19 Q. Right now what are your duties?</p> <p>20 A. I'm assigned to the traffic district</p> <p>21 administrative duties.</p> <p>22 Q. How long have you been in traffic?</p> <p>23 A. 2012 with a year off and then I was</p> <p>24 reassigned back there.</p>   | <p>Page 8</p> <p>1 Q. Just briefly what were some of your --- what</p> <p>2 were some of your duties in the NFU?</p> <p>3 A. We would surveil drug dealers, we would</p> <p>4 arrest drug dealers, conduct search warrants, we</p> <p>5 would do buys.</p> <p>6 Q. Am I correct that you were more long-term</p> <p>7 investigations as opposed to perhaps those in the</p> <p>8 strike force that are more short-term?</p> <p>9 A. Correct. We did long term as well as short</p> <p>10 term investigations there.</p> <p>11 Q. Okay.</p> <p>12 Am I correct in the majority of your time in</p> <p>13 the NFU you worked with Jeffrey Walker?</p> <p>14 A. Somewhat, yes.</p> <p>15 Q. When you say somewhat, what do you mean?</p> <p>16 A. I worked with him.</p> <p>17 Q. Well, he was your partner, correct?</p> <p>18 A. There was a group of us that worked</p> <p>19 together, yes.</p> <p>20 Q. Okay.</p> <p>21 A. He worked alongside myself and Officer</p> <p>22 Luciatello (ph).</p> <p>23 Q. You mentioned Officer Luciatello. Do you</p> <p>24 know when he came into the NFU?</p> |
| <p>Page 7</p> <p>1 Q. In 2013?</p> <p>2 A. 2015 I believe it was that I was reassigned</p> <p>3 back there.</p> <p>4 Q. You also said you're in an administrative</p> <p>5 capacity. What does that mean?</p> <p>6 A. I handle paperwork that deals with sporting</p> <p>7 event details. There's also as well construction</p> <p>8 details and also truck escort details.</p> <p>9 Q. Okay.</p> <p>10 Just as an aside, I think I actually saw you</p> <p>11 on TV at the ESPN event of the NFL draft. Was that</p> <p>12 you?</p> <p>13 A. NFL draft? Could've been. I did work the</p> <p>14 draft on the Parkway, though.</p> <p>15 Q. All right.</p> <p>16 Prior to 2012, what was your capacity as a</p> <p>17 police officer?</p> <p>18 A. I was in narcotics field unit.</p> <p>19 Q. How long were you in the narcotics field</p> <p>20 unit? And let's just for the record, can we say</p> <p>21 NFU?</p> <p>22 A. Sure.</p> <p>23 Q. How long were you in the NFU?</p> <p>24 A. I'd go from like 1999 to 2012.</p> | <p>Page 9</p> <p>1 A. I do not.</p> <p>2 Q. Did you work with Officer Walker, former</p> <p>3 Officer Walker, up until 2012 when you left the NFU?</p> <p>4 A. He had went to a different squad prior to</p> <p>5 that. I'm not exactly sure of the time frame.</p> <p>6 Q. You worked with Officer Luciatello then?</p> <p>7 A. Yes.</p> <p>8 Q. You also worked with an Officer Sean Kelly,</p> <p>9 correct?</p> <p>10 A. Correct. That's when I first went to the</p> <p>11 NFU.</p> <p>12 Q. Do you know when Officer Kelly left the</p> <p>13 unit?</p> <p>14 A. I do not.</p> <p>15 Q. You also worked with an Officer Brian</p> <p>16 Monaghan, correct?</p> <p>17 A. Correct.</p> <p>18 Q. Was that in 1999 until some future date?</p> <p>19 A. I'm not sure when I started to work with</p> <p>20 Officer Monaghan, but at some point I did work with</p> <p>21 him.</p> <p>22 Q. Okay.</p> <p>23 ATTORNEY GONZALES: Hold on. Can</p> <p>24 you just wait one second? I just was</p>  |

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| <p style="text-align: right;">Page 10</p> <p>1 notified by the City Law Department that an</p> <p>2 attorney would like to join.</p> <p>3 THE COURT REPORTER: Are we going</p> <p>4 off the record?</p> <p>5 ATTORNEY GONZALES: We are going</p> <p>6 off the record so I can call him and have</p> <p>7 him join.</p> <p>8 (At this time, a short break was</p> <p>9 taken.)</p> <p>10 BY ATTORNEY PILEGGI:</p> <p>11 Q. Officer Reynolds, let's go back to 2000.</p> <p>12 Do you recall who was in the NFU squad at that time?</p> <p>13 What other officers?</p> <p>14 A. I know it was Officer Kelly, Officer</p> <p>15 Monaghan, Walker may have been there. I'm not</p> <p>16 exactly sure of the other officers. Not sure if it</p> <p>17 was Brad Mitchell, Jimmy Johnson.</p> <p>18 Q. Who was your supervising officer at that</p> <p>19 time in 2000?</p> <p>20 A. That would have been Sergeant Gessner, I</p> <p>21 believe, and Corporal Sinclair.</p> <p>22 Q. Okay.</p> <p>23 Are you aware, I believe Sergeant Gessner is</p> <p>24 deceased; is that correct?</p> | <p style="text-align: right;">Page 12</p> <p>1 my attorney.</p> <p>2 Q. Okay.</p> <p>3 Do you recall what you reviewed?</p> <p>4 A. We reviewed what I did; my part of the</p> <p>5 investigation.</p> <p>6 Q. Was that the 48?</p> <p>7 A. It would be the PARS report that my</p> <p>8 attorney showed me.</p> <p>9 Q. Did you review any property receipts?</p> <p>10 A. Did not.</p> <p>11 Q. All right.</p> <p>12 Pursuant to your review of the PARS report,</p> <p>13 after you reviewed that, did that refresh your</p> <p>14 recollection as to what your role was in that</p> <p>15 arrest?</p> <p>16 A. Yes.</p> <p>17 Q. Okay.</p> <p>18 I am going to give you an opportunity, so</p> <p>19 let's do that now, based on your review and based on</p> <p>20 your recollection of what happened, what happened?</p> <p>21 A. There was some observations that were made</p> <p>22 of Torain at 56th and Master. He was then followed</p> <p>23 over to a house on Conestoga Street.</p> <p>24 Q. Let me stop you and ask some questions.</p>  |
| <p style="text-align: right;">Page 11</p> <p>1 A. I did hear that.</p> <p>2 Q. Okay.</p> <p>3 Corporal Sinclair, is he still with the</p> <p>4 department?</p> <p>5 A. No.</p> <p>6 Q. Do you know when he retired?</p> <p>7 A. No.</p> <p>8 Q. Any other supervising officers? I</p> <p>9 understand there was a sergeant, a corporal, um --</p> <p>10 A. We had a lieutenant. I don't remember who</p> <p>11 the lieutenant was.</p> <p>12 Q. Okay.</p> <p>13 A. We also had a captain. I don't remember</p> <p>14 who that was.</p> <p>15 Q. Okay. All right.</p> <p>16 So I am going to -- at least the next set of</p> <p>17 questions I want to keep it to 2000, the early part</p> <p>18 of your tenure in the NFU.</p> <p>19 Do you recall the Kareem Torain grab which</p> <p>20 you're here to testify about today?</p> <p>21 A. I read the paperwork on it, yes.</p> <p>22 Q. When was the last time you were able to</p> <p>23 review the paperwork?</p> <p>24 A. Just before we got here I went over it with</p>  | <p style="text-align: right;">Page 13</p> <p>1 You said there were some observations made?</p> <p>2 ATTORNEY GONZALES: Do you want</p> <p>3 him to answer your first question before</p> <p>4 you interrupt him and ask the second</p> <p>5 question or --</p> <p>6 ATTORNEY PILEGGI: I want to ask</p> <p>7 him as we go along because I want to have a</p> <p>8 full record and I want to make sure that he</p> <p>9 has every opportunity to testify.</p> <p>10 So, yes, I do want to ask questions as we</p> <p>11 go along.</p> <p>12 BY ATTORNEY PILEGGI:</p> <p>13 Q. You said there were observations made. Who</p> <p>14 made the observations?</p> <p>15 A. Officers Kelly and Monaghan. They were</p> <p>16 conducting surveillance on the 5600 of Master</p> <p>17 Street.</p> <p>18 Q. Now, had there been -- prior to those</p> <p>19 observations, was there any information provided by</p> <p>20 anyone that there was potential drug sales from</p> <p>21 those units? It was three units, correct?</p> <p>22 A. Correct. You'd have to talk to Officer</p> <p>23 Monaghan. I believe he received some information</p> <p>24 about that. He was the assigned investigator.</p> |

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| <p style="text-align: right;">Page 14</p> <p>1 Q. Do you know, and this is based on your<br/>2 review, do you know where he received that<br/>3 information?<br/>4 A. I do not. I did not review that part of<br/>5 it.<br/>6 Q. Would it refresh your recollection if I<br/>7 told you that pursuant to what Officer Monaghan<br/>8 testified to and based on what the PARS report said,<br/>9 a concerned citizen provided information about those<br/>10 three houses?<br/>11 A. If that's what it says, I believe you.<br/>12 Q. Okay.<br/>13 Did you have any discussions with Officer<br/>14 Monaghan with respect to that concerned citizen?<br/>15 A. I did not.<br/>16 Q. What exactly does that mean? A concerned<br/>17 citizen.<br/>18 A. It means a concerned citizen gave him<br/>19 information about drug sales that were occurring at<br/>20 5600 Master Street.<br/>21 Q. And with respect to when a concerned<br/>22 citizen gives you information, does a police officer<br/>23 have responsibility to record that information in<br/>24 any way?</p> | <p style="text-align: right;">Page 16</p> <p>1 that for a fact, no.<br/>2 ATTORNEY PILEGGI: Okay.<br/>3 ATTORNEY GONZALES: I have an<br/>4 extra copy of the PARS report. Is it okay<br/>5 if I hand that to the Officer?<br/>6 ATTORNEY PILEGGI: Sure. Well,<br/>7 let's make sure we have the same report.<br/>8 ATTORNEY GONZALES: Sure.<br/>9 ATTORNEY PILEGGI: Well, actually<br/>10 let's do one better. I'm going to -- we<br/>11 will mark this. Let's mark this as<br/>12 Reynold's-1.<br/>13 (At this time, a document was<br/>14 marked for identification as Reynolds-1.)<br/>15 BY ATTORNEY PILEGGI:<br/>16 Q. Officer, I'm showing you what's been marked<br/>17 as Reynolds-1 for identification. Do you know what<br/>18 that is?<br/>19 A. Yes, it's a search warrant.<br/>20 Q. And a search warrant specifically with<br/>21 regards to the three units that were being<br/>22 surveilled by your team?<br/>23 A. By Officers Monaghan and Kelly, yes. It<br/>24 actually doesn't say a concerned citizen. It says a</p>  |
| <p style="text-align: right;">Page 15</p> <p>1 A. He probably wrote it down, I'm sure. It's<br/>2 in his report.<br/>3 Q. Would you have to identify that concerned<br/>4 citizen to one of the supervisors or other police<br/>5 officers involved in the investigation?<br/>6 A. No, that concerned citizen probably doesn't<br/>7 want to be identified. That's why it is just a<br/>8 concerned citizen.<br/>9 Q. So the concerned citizen gave information<br/>10 to Officer Monaghan, correct?<br/>11 A. Correct. If that's what the report says,<br/>12 yes.<br/>13 Q. Do you know if the concerned citizen also<br/>14 gave information to Officer Kelly?<br/>15 A. They worked together, so I'm sure Kelly was<br/>16 there also for it.<br/>17 ATTORNEY GONZALES: Well,<br/>18 objection --<br/>19 THE WITNESS: Can I see the<br/>20 report? That would help me out.<br/>21 ATTORNEY GONZALES: Sure. But<br/>22 answer his question. He wants to know if<br/>23 you know that today.<br/>24 THE WITNESS: Oh, I don't know</p>                                   | <p style="text-align: right;">Page 17</p> <p>1 confidential source. As well as Officers Ronald<br/>2 Cain and Joseph Goglielmucci.<br/>3 Q. Okay.<br/>4 So what exactly is a confidential source?<br/>5 A. It's a person that wants to remain<br/>6 confidential that provides police with information.<br/>7 Q. How does a confidential source and a<br/>8 concerned citizen differ, if any?<br/>9 A. They really don't. They are basically the<br/>10 same. One could be a concerned citizen. To me this<br/>11 would mean that Officer Monaghan had used this<br/>12 confidential source before for other information.<br/>13 That's why he said confidential source.<br/>14 Q. Now, am I correct that Officer Monaghan was<br/>15 relatively new to your NEU team at that time in<br/>16 2000?<br/>17 A. What is this -- if you're referring to<br/>18 this, this is 2001, I believe. That's what it says.<br/>19 Q. 2001?<br/>20 A. 2001 is the year. Doesn't that say 2001?<br/>21 Q. So I'm asking you --<br/>22 A. I don't know how long he was with my team<br/>23 at that point.<br/>24 Q. Okay.</p> |



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1 And by the way, just for the record, it's  
2 actually January of 2001, right?  
3 A. Correct.  
4 Q. Okay.  
5 So, a source and a confidential -- sorry a  
6 confidential source and a concerned citizen could be  
7 the same and it could differ?  
8 A. It could differ, yes.  
9 Q. Could you use a confidential -- strike  
10 that.  
11 Could you use a concerned citizen more than  
12 once?  
13 A. Sure. If they continue to call you with  
14 information, yes.  
15 Q. Okay.  
16 Is that how it works? They call you?  
17 A. They would call the Officer that they're  
18 dealing with.  
19 Q. Okay.  
20 Now it also says in here, am I correct, and  
21 I am going to read it. It says Monaghan 6061; that  
22 is Officer Brian Monaghan, correct?  
23 A. Yes.  
24 Q. All right.

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1 Received detailed information from a  
2 confidential source and 19th District police  
3 officers, Police Officer Ronald Cain 4959 and Police  
4 Officer Joseph Goglielmucci 2460; is that correct?  
5 A. Yes.  
6 Q. Now, how does that work? I mean, it says  
7 that there was detailed information from the  
8 confidential source. Yet they also, it appears from  
9 this affidavit, that they also -- Monaghan also  
10 talked to Police Officers Cain and Goglielmucci.  
11 ATTORNEY GONZALES: Objection.  
12 What do you mean by how does this work?  
13 The witness already testified this was not  
14 him. He wasn't involved with this. He  
15 also testified he doesn't remember talking  
16 to Monaghan about this. So what do you  
17 mean by how does this work?  
18 ATTORNEY PILEGGI: Okay.  
19 BY ATTORNEY PILEGGI:  
20 Q. In other words, why would a police officer,  
21 if he already had detailed information from a  
22 confidential source or a concerned citizen, why  
23 would that police officer go and also talk to other  
24 police officers?

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1 ATTORNEY GONZALES: Objection.  
2 That's not what this says, but is that what  
3 you're asking?  
4 ATTORNEY PILEGGI: Yeah.  
5 ATTORNEY GONZALES: Because this  
6 doesn't say that he got the information  
7 from the confidential source and then went  
8 to the officers. It just says he obtained  
9 the information from a confidential source  
10 and the officers.  
11 ATTORNEY PILEGGI: Okay.  
12 ATTORNEY GONZALES: So your  
13 question is different. Under what  
14 circumstance would you get information from  
15 a confidential source --  
16 ATTORNEY PILEGGI: Okay.  
17 ATTORNEY GONZALES: You know what  
18 I mean?  
19 ATTORNEY PILEGGI: Fair enough.  
20 BY ATTORNEY PILEGGI:  
21 Q. Do you know with any of your discussions  
22 with Monaghan or even reading this report, why  
23 Monaghan got this detailed information from the  
24 sources as well as evidently additional information

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1 from these particular police officers?  
2 ATTORNEY GONZALES: Objection to  
3 the form. You can answer.  
4 THE WITNESS: I do not.  
5 BY ATTORNEY PILEGGI:  
6 Q. Okay.  
7 Do you recall speaking with Officer Cain and  
8 or Officer Goglielmucci with reference to this  
9 particular job?  
10 A. No.  
11 Q. Were they on your team at this time?  
12 A. They were assigned to the 19th District, so  
13 no.  
14 Q. So they were not with the NFU?  
15 A. They were not.  
16 Q. But you utilized district police officers  
17 on other jobs, correct?  
18 A. What do you mean by utilized? I don't  
19 understand that question.  
20 Q. You used them to help you with searches --  
21 A. They provide --  
22 Q. To make buys?  
23 A. No, they don't make buys.  
24 Q. But you used them if you were going to



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| <p style="text-align: right;">Page 22</p> <p>1 search a house, for instance, correct?</p> <p>2 A. They could be called in for back up</p> <p>3 capacity, yes.</p> <p>4 Q. And they could be called in to make arrests</p> <p>5 of potential buyers, right?</p> <p>6 A. If they were there assisting in back up</p> <p>7 capacity, then, yes, they could make arrests.</p> <p>8 Q. Do you know if these officers were there in</p> <p>9 a back up capacity?</p> <p>10 A. I do not.</p> <p>11 ATTORNEY GONZALES: When you say</p> <p>12 there, what are you referring to because in</p> <p>13 this job there's, like, multiple theres.</p> <p>14 ATTORNEY PILEGGI: Yeah. Any of</p> <p>15 the take downs that were eventually made,</p> <p>16 arrests that were eventually made in the</p> <p>17 5600 block of Master Street and there was</p> <p>18 three units in particular.</p> <p>19 BY ATTORNEY PILEGGI:</p> <p>20 Q. Were these officers utilized on any of the</p> <p>21 searches, any of the arrests, et cetera?</p> <p>22 A. I have no idea.</p> <p>23 ATTORNEY GONZALES: I was going</p> <p>24 to object to the form but let him answer</p> | <p style="text-align: right;">Page 24</p> <p>1 it. I was in a back-up capacity to these</p> <p>2 officers that were doing the surveillance.</p> <p>3 BY ATTORNEY PILEGGI:</p> <p>4 Q. What does that mean?</p> <p>5 A. I was there on scene in the area in a</p> <p>6 back-up capacity. If these officers needed anyone</p> <p>7 followed, I would do that. If they needed buyers</p> <p>8 stopped, I would participate in that.</p> <p>9 Q. Okay.</p> <p>10 Do you recall stopping any buyers in this</p> <p>11 case?</p> <p>12 A. I do not.</p> <p>13 Q. Do you recall following anyone in this</p> <p>14 case?</p> <p>15 A. I do.</p> <p>16 Q. Okay.</p> <p>17 Well let's do this, it appears that based on</p> <p>18 this affidavit that it was three days of</p> <p>19 surveillance; does that sound right?</p> <p>20 A. You got the 2nd, the 3rd, and the 4th.</p> <p>21 Q. Three days, right?</p> <p>22 A. Yes.</p> <p>23 Q. Okay.</p> <p>24 And on the third day, they obtained search</p>   |
| <p style="text-align: right;">Page 23</p> <p>1 and he did.</p> <p>2 ATTORNEY PILEGGI: Okay.</p> <p>3 BY ATTORNEY PILEGGI:</p> <p>4 Q. So reading on it says -- I'm skipping a</p> <p>5 little bit. It says that there was three houses,</p> <p>6 5609 West Master which was an abandoned property,</p> <p>7 5607 and 5605.</p> <p>8 5607 and 5605 West Master were used as</p> <p>9 storage houses; is that fair enough?</p> <p>10 A. That's what it says.</p> <p>11 Q. Okay.</p> <p>12 Do you recall, your personal, do you recall</p> <p>13 doing any surveillance on those houses during this</p> <p>14 period of time?</p> <p>15 A. I did not do surveillance.</p> <p>16 Q. Okay.</p> <p>17 But you would have participated, am I</p> <p>18 correct? I understand you don't recall</p> <p>19 specifically, but normally you would participate in</p> <p>20 the surveillance of a job this big?</p> <p>21 ATTORNEY GONZALES: Objection. I</p> <p>22 don't know what you mean by that, but if</p> <p>23 you understand it you can answer.</p> <p>24 THE WITNESS: I don't understand</p>  | <p style="text-align: right;">Page 25</p> <p>1 warrants. Other members of your team obtained</p> <p>2 search warrants and eventually searched and arrested</p> <p>3 individuals out of these three units, correct?</p> <p>4 A. Correct. Officer Monaghan would obtain the</p> <p>5 search warrants. He was the assigned investigator.</p> <p>6 Q. When you say assigned investigator, can you</p> <p>7 explain that?</p> <p>8 A. It is his investigation.</p> <p>9 Q. Who assigned him?</p> <p>10 A. He assigned himself. He got the</p> <p>11 information so he was the assigned investigator.</p> <p>12 Q. Okay.</p> <p>13 And that would -- you would kind of</p> <p>14 alternate with the different members of your team as</p> <p>15 to who the assigned investigator would be, correct?</p> <p>16 A. Usually it would go whoever the officer who</p> <p>17 got the information would be the assigned or whoever</p> <p>18 made observations of the job would be the assigned.</p> <p>19 Q. Okay.</p> <p>20 So it appears, again, from this paperwork</p> <p>21 that Officer Monaghan, who was the assigned, and</p> <p>22 Officer Kelly were the surveilling officers, the</p> <p>23 eyes?</p> <p>24 A. Yes.</p> |

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| <p>1 Q. You were in a back-up capacity, right?</p> <p>2 A. Yes.</p> <p>3 Q. Officer Walker was there. He was in what</p> <p>4 capacity; do you recall?</p> <p>5 A. I do not. Probably a back-up capacity.</p> <p>6 Q. Okay.</p> <p>7 And you usually were partnered up with</p> <p>8 Officer Walker at that time, right?</p> <p>9 A. It all depends. We would take separate</p> <p>10 cars if we needed to. It all depends.</p> <p>11 Q. It also appears from this paperwork that</p> <p>12 Officer Mitchell was also involved in making a buy</p> <p>13 or at least handling a CI; is that -- I am referring</p> <p>14 to the second page. This is down the second</p> <p>15 paragraph from the bottom.</p> <p>16 A. On the second page? No, I see the fourth</p> <p>17 paragraph down where Mitchell went in to make a buy.</p> <p>18 Q. Right.</p> <p>19 A. He didn't use an informant. He made the</p> <p>20 buy himself.</p> <p>21 Q. So Mitchell was there. You were there?</p> <p>22 A. I was not there for the buy. Mitchell was</p> <p>23 there for the buy.</p> <p>24 Q. When I say there, you were part of this</p> | <p>1 that.</p> <p>2 ATTORNEY GONZALES: Yes, you did.</p> <p>3 ATTORNEY PILEGGI: I said that</p> <p>4 they provided information.</p> <p>5 ATTORNEY GONZALES: But then you</p> <p>6 said were they all part of the team, so</p> <p>7 objection.</p> <p>8 BY ATTORNEY PILEGGI:</p> <p>9 Q. So let me, just for clarification, part of</p> <p>10 the actual team that worked this particular job was</p> <p>11 Officer Monaghan the assigned, right?</p> <p>12 A. Correct.</p> <p>13 Q. Kelly, Sean Kelly?</p> <p>14 A. Correct.</p> <p>15 Q. He was in a surveillance capacity?</p> <p>16 A. They were both together in a van.</p> <p>17 Q. Okay.</p> <p>18 Officer Walker, and you don't know what his</p> <p>19 role was, right?</p> <p>20 A. Do not.</p> <p>21 Q. Okay.</p> <p>22 Yourself?</p> <p>23 A. Correct.</p> <p>24 Q. Officer Mitchell who made a buy?</p>  |
| Page 27  | Page 29  |
| <p>1 job?</p> <p>2 A. Correct.</p> <p>3 Q. Mitchell was part of this job?</p> <p>4 A. Correct.</p> <p>5 Q. Monaghan?</p> <p>6 A. Correct.</p> <p>7 Q. And Kelly?</p> <p>8 A. Correct.</p> <p>9 Q. And it looks like Cain and Goglielmucci,</p> <p>10 although you don't know if they were present, they</p> <p>11 at some point provided information to Officer</p> <p>12 Monaghan?</p> <p>13 A. Yes.</p> <p>14 Q. Anyone else you recall being part of that</p> <p>15 team?</p> <p>16 ATTORNEY GONZALES: Objection.</p> <p>17 BY ATTORNEY PILEGGI:</p> <p>18 Q. Sorry. Officer Walker as well?</p> <p>19 ATTORNEY GONZALES: Hold on.</p> <p>20 Hold on. Objection. No one -- and this</p> <p>21 witness never said that Cain and</p> <p>22 Goglielmucci were part of any team</p> <p>23 whatsoever.</p> <p>24 ATTORNEY PILEGGI: I didn't say</p>  | <p>1 A. Correct.</p> <p>2 Q. Okay.</p> <p>3 Do you recall anyone else?</p> <p>4 A. I do not.</p> <p>5 Q. All right.</p> <p>6 Now, do you remember any of the officers</p> <p>7 that were on the search team?</p> <p>8 A. I do not.</p> <p>9 Q. What district was this?</p> <p>10 A. 19th District.</p> <p>11 Q. All right.</p> <p>12 Where would they normally, and I understand</p> <p>13 you don't know who exactly was there, normally would</p> <p>14 it be officers from the 19th District that would</p> <p>15 assist in or from whatever district would assist in</p> <p>16 the searches of units or would it be strike force</p> <p>17 officers or both?</p> <p>18 A. I know strike force was out there on the</p> <p>19 4th with us. Then it would be other members</p> <p>20 probably of the narcotics field unit.</p> <p>21 Q. Who were the strike force officers you</p> <p>22 recall being there on the 4th?</p> <p>23 A. I have no idea.</p> <p>24 Q. How do you remember they were there?</p> |

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| <p style="text-align: right;">Page 30</p> <p>1 A. Because it says when we went to stop Torain<br/>2 at 61st and Nassau with the aid of uniformed<br/>3 officers.<br/>4 Q. That wasn't at 56th and Master?<br/>5 A. It was not.<br/>6 Q. Far from 55th and Master, correct?<br/>7 A. It was at 61st and Nassau.<br/>8 Q. How far is that?<br/>9 A. Not exactly sure each block.<br/>10 Q. How far?<br/>11 A. I'm not sure. It's not that far.<br/>12 Q. Mile? Two miles?<br/>13 A. I'm not even sure.<br/>14 Q. Okay.<br/>15 So strike force officers assisted you in<br/>16 arresting Mr. Torain?<br/>17 A. Correct. With the take down, yes, stopping<br/>18 the vehicle.<br/>19 Q. Okay.<br/>20 Do you know how they arrived?<br/>21 A. They were probably notified by one of our<br/>22 supervisors to see if they could come down and<br/>23 assist us or maybe Officer Monaghan notified them.<br/>24 I'm not exactly sure.</p>   | <p style="text-align: right;">Page 32</p> <p>1 Q. Do you recall making any arrests of any<br/>2 potential buyers or?<br/>3 A. Not that I recall. It's not in the<br/>4 paperwork anywhere.<br/>5 Q. Did you arrest anyone other than Torain in<br/>6 the job?<br/>7 A. I think I was involved in another arrest of<br/>8 another individual at 56th and Market.<br/>9 Q. Okay.<br/>10 Was that before or after the Torain arrest?<br/>11 A. Give me a second. I have to look and try<br/>12 to find it. The last paragraph of page 3, it says<br/>13 myself and Walker stopped a Breeze, which is a<br/>14 vehicle, at 56th and Market.<br/>15 Q. Who did you place under arrest? It doesn't<br/>16 say.<br/>17 A. I can't really see it.<br/>18 Q. Is there any reason that that doesn't say?<br/>19 A. No, but I think it says it in this report<br/>20 here. If you let me see it.<br/>21 ATTORNEY GONZALES: He is<br/>22 referring to the PARS report which I have<br/>23 and am showing the witness.<br/>24 THE WITNESS: It says Hodge was</p>  |
| <p style="text-align: right;">Page 31</p> <p>1 Q. You said assist us. Who arrested<br/>2 Mr. Torain?<br/>3 A. I did.<br/>4 Q. Was Officer Monaghan with you?<br/>5 A. No.<br/>6 Q. Well, it was you that arrested him,<br/>7 correct? Other than yourself and strike force<br/>8 officers, was there any other officer from this NEU<br/>9 team who was working this job with you?<br/>10 A. Walker could have been there. I'm not 100<br/>11 percent sure though.<br/>12 Q. Okay. All right.<br/>13 Did you at any time participate in any of<br/>14 the surveillances over the three-day period?<br/>15 A. No, just the observations that I made on<br/>16 the 4th.<br/>17 Q. Okay.<br/>18 Do you recall where you were situated when<br/>19 surveillance was being conducted at those three<br/>20 units.<br/>21 A. I do not.<br/>22 Q. I mean, were you near the scene?<br/>23 A. Probably, yeah. I don't remember exactly<br/>24 where I was though. It's 20 years ago.</p> | <p style="text-align: right;">Page 33</p> <p>1 placed under arrest. Recovered from him<br/>2 was five bags of marijuana.<br/>3 BY ATTORNEY PILEGGI:<br/>4 Q. Now, do you know any reason why it's not in<br/>5 the Affidavit of Probable Cause?<br/>6 A. I'm sure it is. You probably got copies<br/>7 and it was cut off. It would definitely be in the<br/>8 Affidavit of Probable Cause. You got a bad copy.<br/>9 Q. I'm looking at it and I see Reynolds badge<br/>10 number 4268 --<br/>11 A. You don't even see Reynolds. The only<br/>12 thing you see is O-L-D-S 4268.<br/>13 Q. All right. Fair enough.<br/>14 A. It's obvious whoever made the copies didn't<br/>15 make them properly.<br/>16 Q. All right.<br/>17 Now let's do this, am I correct that you<br/>18 were aware that these on all three days, January 2nd<br/>19 2001, January 3rd 2001, and January 4th 2001,<br/>20 Officer Monaghan and Officer Kelly, the surveilling<br/>21 officers, filmed several buys being made either from<br/>22 those units or close to those units?<br/>23 A. I was aware of that.<br/>24 Q. Okay.</p> |

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1 A. It just says that a majority of the  
2 observations on 1/3 were videotaped by Kelly and  
3 Monaghan. It doesn't mention the 2nd or the 4th.  
4 It just says on 1/3.  
5 Q. Okay.  
6 Do you recall how many of those buyers were  
7 arrested?  
8 A. I do not.  
9 Q. Well, you didn't make any arrests, correct?  
10 A. I did not.  
11 Q. Was anyone else in a back-up capacity with  
12 yourself?  
13 A. I'm sure there was.  
14 Q. Who would it be?  
15 A. I have no idea.  
16 Q. Okay.  
17 Well we have Officer Monaghan and Officer  
18 Kelly at the scene making surveillance, correct?  
19 A. Correct.  
20 Q. You're in a back-up capacity. The only  
21 other police officers are Officer Walker and Officer  
22 Mitchell.  
23 A. Mitchell wouldn't have been stopping people  
24 because he was going to make the buy. I'm sure

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1 there were other members of our unit out there,  
2 though. I don't know who they are, though.  
3 Q. All right.  
4 Would their badge number -- wouldn't they be  
5 reported on the warrants that were issued?  
6 A. Sure. Whoever participated in the searches  
7 of those units their badge numbers would be on  
8 there, yes.  
9 Q. Okay.  
10 So would there be any documentation of who  
11 the other officers were in a back-up capacity in any  
12 of the paperwork that was completed in this job?  
13 A. I don't believe so, no.  
14 Q. Wouldn't that be necessary?  
15 A. For what?  
16 Q. For court.  
17 A. If they did -- if they made an arrest, made  
18 observations, then it would all be documented in the  
19 police report.  
20 Q. Okay.  
21 A. If they're out there and they participate  
22 and -- if they're out there participating and they  
23 don't make an arrest or make any observations then  
24 why would their name be mentioned in a report?

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1 Q. What would they be participating in?  
2 A. Exactly. If they don't do nothing or stop  
3 anybody or arrest anybody, then there's no need to  
4 mention them.  
5 Q. You're saying you don't recall anyone  
6 making any arrests of any buyers?  
7 A. I do not.  
8 Q. If they did, it would be in some kind of a  
9 report?  
10 A. It would.  
11 Q. Not only the person arrested, but also the  
12 arresting officer?  
13 A. Correct.  
14 Q. And all the details of how that arrest came  
15 about?  
16 A. Yes.  
17 Q. I would submit to you that there is no  
18 other officers in this Affidavit of Probable Cause  
19 or also in the PARS Report that made any other  
20 arrest as a back-up capacity other than yourself.  
21 A. Correct.  
22 Q. And Officer Walker with respect to  
23 Mr. Hodge.  
24 A. Correct.

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1 Q. Okay.  
2 So --  
3 A. But if -- I did see one thing. I believe I  
4 seen it in here. Not exactly sure if I could breeze  
5 through this again. I believe it does mention an  
6 Officer Fitzgerald and Francis which is on the third  
7 page second to the last paragraph all the way down.  
8 So they also arrested someone.  
9 Q. I see that. Officer Fitzgerald 2228 and  
10 Officer Francis 3981?  
11 A. Yeah. So they were also out there that day  
12 as a back-up capacity.  
13 Q. It looks like they made a recovery?  
14 A. Yes.  
15 Q. Okay. All right. Fair enough.  
16 Now let's go back to the information in the  
17 first paragraph. This is the information that  
18 Monaghan obtained from this confidential source.  
19 The source told him that the narcotics are  
20 being sold out of these properties, at least out of  
21 5605 Master Street, and that the participants in  
22 this drug ring is an Al and Pud; do you see that?  
23 A. Correct.  
24 Q. Do you know who Al or Pud was?

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| <p style="text-align: right;">Page 38</p> <p>1 A. I do not.</p> <p>2 Q. Okay.</p> <p>3 Just so we are clear, Al and Pud are</p> <p>4 participants in the drug ring. They're not</p> <p>5 individuals that gave the information, correct?</p> <p>6 A. Correct. That's what it says.</p> <p>7 Q. Explain to me what is the difference</p> <p>8 between a confidential source and a confidential</p> <p>9 informant?</p> <p>10 A. Confidential informant is one that signs up</p> <p>11 through the police department. They know the</p> <p>12 identity of that person and it's to remain</p> <p>13 confidential. They also are paid for doing drug</p> <p>14 buys or information.</p> <p>15 Q. Okay.</p> <p>16 And a confidential informant can participate</p> <p>17 in the investigation itself making buys or whatever?</p> <p>18 A. Correct.</p> <p>19 Q. Okay.</p> <p>20 Can a confidential source participate in the</p> <p>21 investigation in any way?</p> <p>22 A. No. Usually a confidential source is just</p> <p>23 providing information.</p> <p>24 Q. You say usually. Has a confidential source</p> | <p style="text-align: right;">Page 40</p> <p>1 with a lot of confidential sources and a lot of</p> <p>2 confidential informants. Is it your testimony that</p> <p>3 you're not sure if that's a Philadelphia Police</p> <p>4 policy?</p> <p>5 ATTORNEY GONZALES: Objection.</p> <p>6 He testified so you're asking him to answer</p> <p>7 the same question again, which is asked and</p> <p>8 answered, that he does not recall if 20</p> <p>9 years ago there was a policy on</p> <p>10 confidential sources.</p> <p>11 He's already answered that question.</p> <p>12 BY ATTORNEY PILEGGI:</p> <p>13 Q. Is there a policy now?</p> <p>14 A. On confidential sources?</p> <p>15 Q. Yes.</p> <p>16 A. I don't know. I'm not in narcotics</p> <p>17 anymore.</p> <p>18 Q. Was there a policy when you left in 2012?</p> <p>19 A. Not sure. If there was and you have it, I</p> <p>20 would like to see it.</p> <p>21 Q. Okay.</p> <p>22 How about confidential -- sorry. Strike</p> <p>23 that.</p> <p>24 How about concerned citizens? Are they</p>  |
| <p style="text-align: right;">Page 39</p> <p>1 ever been allowed to participate in an</p> <p>2 investigation?</p> <p>3 A. No, as I stated, they just provide the</p> <p>4 information about the investigation.</p> <p>5 Q. Why can't a confidential source</p> <p>6 participate?</p> <p>7 A. Because they are not signed up through the</p> <p>8 Philadelphia police department.</p> <p>9 Q. So?</p> <p>10 A. So what?</p> <p>11 They have to be signed up in order to</p> <p>12 participate and make a buy using that confidential</p> <p>13 informant. Sources usually just provide information</p> <p>14 only.</p> <p>15 Q. Is that pursuant to what? A law? Or a</p> <p>16 policy?</p> <p>17 A. That is just the way it's done if you're in</p> <p>18 narcotics. Back then there was no policy on</p> <p>19 confidential sources.</p> <p>20 Q. Are you sure about that?</p> <p>21 A. I'm not sure, but if you show me something,</p> <p>22 then I'll be able to take a look at it.</p> <p>23 Q. Well, you're a police officer. You've been</p> <p>24 a police officer for 28 years. You participated</p>     | <p style="text-align: right;">Page 41</p> <p>1 allowed to participate in an investigation in any</p> <p>2 way?</p> <p>3 A. No, they're basically just a person that</p> <p>4 provides information.</p> <p>5 Q. What's the authority on that?</p> <p>6 A. What do you mean?</p> <p>7 Q. Is that a policy or procedure?</p> <p>8 A. It's just someone that -- there is no</p> <p>9 policy on that either. They are just providing you</p> <p>10 with information.</p> <p>11 Q. Was that the way you were trained? I mean,</p> <p>12 what are you basing this on? You said we usually</p> <p>13 don't do this. We usually don't to that. I asked</p> <p>14 you if it was pursuant to a policy and you don't</p> <p>15 know.</p> <p>16 Why are you answering now that confidential</p> <p>17 sources are not allowed to participate? What are</p> <p>18 you basing that on?</p> <p>19 ATTORNEY GONZALES: Objection.</p> <p>20 Now that's argumentative. Walking down the</p> <p>21 street a person can come up to a police</p> <p>22 officer and say, hey, I saw something</p> <p>23 happen around the corner. You don't need a</p> <p>24 written policy that says a police officer</p> |



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| <p style="text-align: right;">Page 42</p> <p>1 needs to do anything with respect to that</p> <p>2 information. It's a police officer. They</p> <p>3 can use common sense.</p> <p>4 This witness has already answered about his</p> <p>5 memory and knowledge about the use of</p> <p>6 confidential sources 20 years ago in 2001</p> <p>7 when this incident occurred.</p> <p>8 What else do you want?</p> <p>9 ATTORNEY PILEGGI: I want to know</p> <p>10 what he is basing his knowledge on.</p> <p>11 ATTORNEY GONZALES: He doesn't</p> <p>12 have knowledge. He doesn't recall because</p> <p>13 it was 20 years ago.</p> <p>14 ATTORNEY PILEGGI: He already</p> <p>15 testified that a confidential source is not</p> <p>16 allowed to participate in an investigation.</p> <p>17 I am asking him what he is basing that</p> <p>18 answer on. What he is basing that</p> <p>19 knowledge on. Is it experience? Is it a</p> <p>20 policy? Is it a law?</p> <p>21 THE WITNESS: It's my experience</p> <p>22 that confidential sources and concerned</p> <p>23 citizen are only used for information.</p> <p>24 They do not participate in buys. They do</p> | <p style="text-align: right;">Page 44</p> <p>1 A. No, you're not allowed to. Uniformed</p> <p>2 officers are not allowed.</p> <p>3 Q. So you could use a source as a district</p> <p>4 officer. You could use a concerned citizen, but you</p> <p>5 could not use a confidential informant?</p> <p>6 A. Correct.</p> <p>7 Q. Because they're actually allowed to</p> <p>8 participate in investigations?</p> <p>9 A. Usually an informant would make buys for</p> <p>10 you, yes.</p> <p>11 Q. Okay.</p> <p>12 And do you recall ever using yourself,</p> <p>13 personally, ever using a concerned citizen in any</p> <p>14 case?</p> <p>15 A. I probably have, yes. I don't remember</p> <p>16 what cases, but I'm sure I have.</p> <p>17 Q. Okay.</p> <p>18 Did you ever allow those concerned citizens</p> <p>19 in those cases that you recall participate in the</p> <p>20 investigation in any way?</p> <p>21 A. What do you mean by participating? As I</p> <p>22 stated, they usually just give the information and</p> <p>23 that's it.</p> <p>24 Q. I know.</p>   |
| <p style="text-align: right;">Page 43</p> <p>1 not participate in taking people down for</p> <p>2 you.</p> <p>3 BY ATTORNEY PILEGGI:</p> <p>4 Q. And is that something that you recall</p> <p>5 learning in the police academy?</p> <p>6 A. No, that's basically what we learned going</p> <p>7 to the Narcotics Field Unit.</p> <p>8 Q. Okay.</p> <p>9 And let me ask you, before you were in the</p> <p>10 NFU, you were in the district? You worked in the</p> <p>11 district?</p> <p>12 A. I was. I was in the 16th District.</p> <p>13 Q. In the 16th District did you ever use</p> <p>14 condition sources? You personally?</p> <p>15 A. I don't remember if I did or not.</p> <p>16 Q. Okay.</p> <p>17 Could you as a district police officer?</p> <p>18 A. Sure. They could -- like Mr. Gonzales</p> <p>19 said, anyone can give you information.</p> <p>20 Q. Okay.</p> <p>21 What if it -- when you were in the 16th</p> <p>22 District, did you ever use confidential informants?</p> <p>23 A. I did not. Not to make buys.</p> <p>24 Q. Were you allowed?</p>  | <p style="text-align: right;">Page 45</p> <p>1 Other than giving the information, did you</p> <p>2 ever use a concerned citizen to participate other</p> <p>3 than giving you information? Make calls? Make</p> <p>4 buys? Point out people? Anything like that?</p> <p>5 A. There would be times they would point out</p> <p>6 people, yes. I mean, it all depends on what the</p> <p>7 investigation entails and what investigation you're</p> <p>8 referring to.</p> <p>9 Q. Wouldn't that be participating in the</p> <p>10 investigation if they pointed out what they</p> <p>11 suspected was a drug dealer?</p> <p>12 A. There's been times they pointed out people</p> <p>13 or houses or you show them photos that you got</p> <p>14 through the police photo imaging, yes.</p> <p>15 Q. And based on your experience, that would</p> <p>16 not be participating in a drug investigation?</p> <p>17 A. They're giving you the information and</p> <p>18 you're trying to verify the information that they</p> <p>19 gave you. So if them pointing out a house and</p> <p>20 saying, hey, that house over there is selling and</p> <p>21 you do observations on it and then them saying, hey,</p> <p>22 there is Jam al. He is part of that investigation.</p> <p>23 If you call that participating, then, yes, that's</p> <p>24 participating.</p> |

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1 Q. Okay.

2 And isn't it correct that if they give you

3 information that you have to independently go out

4 and verify whether that information is correct or

5 not?

6 A. Correct, which we always did.

7 Q. And you're saying that if you had a

8 confidential source or concerned citizen, that you

9 would bring them out to the site and say point out a

10 house or point out Jam al and to you that is not

11 participating in an investigation?

12 ATTORNEY GONZALES: Objection.

13 No.

14 ATTORNEY PILEGGI: And the

15 objection?

16 ATTORNEY GONZALES: Yeah, the

17 objection is you're twisting the words.

18 You've asked the question over and over

19 again.

20 You originally asked the question can you

21 use a confidential source. Can a

22 confidential source participate in an

23 investigation. The Officer said no.

24 Then you asked followup questions and tried

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1 to have the Officer define IDing someone or

2 providing additional information as

3 participating.

4 Now I understand you're trying to get the

5 witness to say he was wrong when he

6 originally said confidential sources can't

7 participate in an investigation. But as

8 the witness said, if you call that

9 participating, then I guess it's

10 participating.

11 You have asked the witness the same

12 question over and over again. He has

13 answered it. I don't now what else you

14 went. Now you're just getting

15 argumentative and repetitive.

16 ATTORNEY PILEGGI: I just don't

17 know what the source of the objection is.

18 Because it was unclear?

19 ATTORNEY GONZALES: A, unclear.

20 B, asked and answered and repetitive. C,

21 argumentative.

22 BY ATTORNEY PILEGGI:

23 Q. Did you understand the question?

24 A. I did not.

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1 Q. Okay.

2 Of course you didn't. All right. So let's

3 move on to your role in this.

4 ATTORNEY GONZALES: Just

5 providing the witness the PARS.

6 ATTORNEY PILEGGI: Sure. Why? I

7 didn't show him.

8 ATTORNEY GONZALES: Well, the

9 witness has already testified he doesn't

10 remember he would have to refer to the

11 PARS.

12 ATTORNEY PILEGGI: I know. I

13 gave him the Affidavit of Probable Cause.

14 I don't want the witness to see the PARS.

15 ATTORNEY GONZALES: Okay. That's

16 his right. He doesn't have to show you

17 anything. You can answer from your memory.

18 BY ATTORNEY PILEGGI:

19 Q. All right.

20 So, why don't you explain the circumstance

21 leading up to Mr. Torain's arrest? You made the

22 arrest, correct?

23 A. Correct.

24 Q. You're not sure if Walker was with you or

Page 49

1 not?

2 A. I'm not.

3 Q. All right.

4 And you do know that there was some strike

5 force officers there. You don't know who they were?

6 A. Correct.

7 Q. Do you know how many were there?

8 A. I do not.

9 Q. Okay.

10 You don't recall being alone do you?

11 A. I do not.

12 Q. All right. Go ahead.

13 ATTORNEY GONZALES: Go ahead

14 what?

15 BY ATTORNEY PILEGGI:

16 Q. Explain the details of the arrest.

17 A. Based on information from him leaving the

18 property at 55th and Hunter --

19 Q. Who gave you that information?

20 A. Walker.

21 Q. Okay.

22 A. I then followed him out of the area with

23 the aid of a marked unit. He was then arrested at

24 61st and Nassau.



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| <p style="text-align: right;">Page 50</p> <p>1 Q. And you're referring to the affidavit,<br/>2 correct, to refresh your recollection?<br/>3 A. Actually I was going off memory from the<br/>4 PARS with that.<br/>5 Q. Okay.<br/>6 So do you know why -- did Officer Walker<br/>7 tell you why he wanted you to follow Mr. Torain?<br/>8 A. There was earlier observations of him over<br/>9 on Master and Ithan by Officers Kelly and Monaghan<br/>10 at which time Torain was in the green Bonneville.<br/>11 He was followed to Conestoga Street where he went<br/>12 inside a property, I believe it was 1621 North<br/>13 Conestoga Street. He then exited that property and<br/>14 went to the property on 55th and Hunter.<br/>15 Q. Okay.<br/>16 Monaghan and Kelly gave you information<br/>17 about the green Bonneville, by the way the tag<br/>18 number is DKC-3310, correct?<br/>19 A. (No response.)<br/>20 Q. And I'm referring to page 2 under 1/4/2000?<br/>21 A. Can you just tell me what paragraph because<br/>22 I don't see the tag.<br/>23 Q. Where it say 1/4?<br/>24 A. 1/4 okay --</p> | <p style="text-align: right;">Page 52</p> <p>1 ATTORNEY GONZALES: I don't<br/>2 understand. You're confused because of a<br/>3 typo in a police report? What's the point<br/>4 of the question?<br/>5 ATTORNEY PILEGGI: It's not a<br/>6 police report.<br/>7 ATTORNEY GONZALES: What is the<br/>8 point of that question other than to simply<br/>9 argue with the witness? He does not<br/>10 recall.<br/>11 ATTORNEY PILEGGI: Because I<br/>12 don't know when the job was. I'm asking.<br/>13 ATTORNEY GONZALES: You have<br/>14 represented this client for years. You<br/>15 know everything about this case. You have<br/>16 -- really, give me a break. That is<br/>17 argumentative. It's a typo on a police<br/>18 report.<br/>19 ATTORNEY PILEGGI: It's not a<br/>20 police report. It is an affidavit.<br/>21 ATTORNEY GONZALES: Regardless.<br/>22 There's a typo on an Affidavit of Probable<br/>23 Cause.<br/>24 ATTORNEY PILEGGI: Well, let me</p>   |
| <p style="text-align: right;">Page 51</p> <p>1 Q. And by the way --<br/>2 A. Can I answer that question first?<br/>3 Q. Yeah. Sure.<br/>4 A. I see it over here, DKC-3310, yes.<br/>5 Q. Okay.<br/>6 It says 1/4/00. That's January 4, 2000?<br/>7 A. That's correct. That says 2000.<br/>8 Q. You had mentioned 2001. In fact throughout<br/>9 the report it says 2001. I'm a little confused.<br/>10 A. I didn't prepare the report.<br/>11 Q. I understand.<br/>12 This is not a report. This is an affidavit.<br/>13 This goes to the court, correct?<br/>14 A. Correct.<br/>15 Q. It goes to an Magistrate or a Judge who<br/>16 will determine whether there's probable cause to<br/>17 make arrest or to search houses, right?<br/>18 A. It does.<br/>19 Q. Okay.<br/>20 You would agree -- well, I'm a little<br/>21 confused as to when this job actually happened.<br/>22 Now, you mentioned 2001 and that was probably based<br/>23 on your review of the PARS report, but this report<br/>24 says 2000.</p>   | <p style="text-align: right;">Page 53</p> <p>1 just point out that --<br/>2 ATTORNEY GONZALES: That this<br/>3 witness, by the way, that this witness did<br/>4 not prepare.<br/>5 ATTORNEY PILEGGI: I understand<br/>6 that. I agree with that. I didn't say he<br/>7 did.<br/>8 BY ATTORNEY PILEGGI:<br/>9 Q. I'm just saying on page 1 it keeps saying<br/>10 2001. Then on every other page it says 2000. I'm<br/>11 just trying to determine when this job was.<br/>12 A. I don't --<br/>13 Q. And the timing is important. So do you<br/>14 know based on any review of the documents that you<br/>15 reviewed for today's deposition or recollect when<br/>16 exactly whether this was in 2000 or 2001?<br/>17 A. I believe it was 2001.<br/>18 Q. Why do you say that?<br/>19 A. Because if you go back to the first page it<br/>20 has report date as 1/4/01.<br/>21 Q. Okay.<br/>22 ATTORNEY GONZALES: I also want<br/>23 to point out for the record that at the<br/>24 preliminary hearing there was testimony</p> |

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1 from Officer Monaghan and --

2 ATTORNEY PILEGGI: Are you

3 testifying?

4 ATTORNEY GONZALES: No, I'm

5 pointing out for the record --

6 ATTORNEY PILEGGI: He didn't do

7 the report. I'm not arguing with him.

8 ATTORNEY GONZALES: You're making

9 a mountain out of nothing.

10 ATTORNEY PILEGGI: No, I'm not.

11 ATTORNEY GONZALES: At the

12 preliminary hearing the district attorney

13 asked -- the district attorney asked: I'd

14 like to direct your attention to January

15 6th 2001.

16 ATTORNEY PILEGGI: Okay. Maybe

17 he made a mistake. I don't know. Should

18 we question him?

19 I'm just simply pointing out that there's

20 different dates in here and I'm trying to

21 determine exactly whether it was in 2000 or

22 2001.

23 If he doesn't know, he doesn't know. The

24 report speaks for itself -- not the report;

Page 55

1 the affidavit.

2 ATTORNEY GONZALES: Right. But

3 you keep making comments like I'm confused,

4 I don't know.

5 ATTORNEY PILEGGI: Well, I am

6 confused.

7 ATTORNEY GONZALES: It is

8 argumentative.

9 ATTORNEY PILEGGI: It wasn't a

10 question.

11 BY ATTORNEY PILEGGI:

12 Q. So you think based on your reading of the

13 first page that it's 2001, right?

14 A. Correct.

15 Q. Okay.

16 However, according to the affidavit, you

17 made the arrest on January 4th 2000. Which

18 according to your attorney is a typo.

19 A. Correct.

20 Q. Okay.

21 I realize that you did not do this.

22 However, you provided information during the arrest

23 to Officer Monaghan who eventually prepared this

24 affidavit; correct?

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1 A. Correct.

2 Q. All right.

3 You don't think you gave him that date; do

4 you?

5 A. That year, you mean?

6 Q. Yeah, the date 1/4/00?

7 A. I don't believe I gave him that.

8 Q. All right.

9 A. I would hope he would know the date and the

10 year.

11 Q. All right.

12 Now, it says -- I'm going to read this and

13 I'm going to ask you some questions on this. I am

14 referring to the fourth paragraph. It looks like on

15 or in January 4th 2000 Police Officer Kelly 7126 and

16 Police Officer Monaghan set up surveillance at 56th

17 and Master Street.

18 At approximately 1:41 p.m. police observed a

19 green Bonneville, Pa tag DKC-3310, registered

20 Carolyn Gillis traveling northbound on 56th Street

21 to intersection of 56th and Master.

22 So is that the information that you got from

23 Monaghan to stop that vehicle?

24 A. No, it would be further down after they

Page 57

1 radioed. Not to stop the vehicle but to follow the

2 vehicle.

3 Q. Okay.

4 You followed the vehicle as you testified

5 previously to 1621 North Conestoga Street, correct?

6 A. Well, that was -- if I read it real quick

7 here -- it was followed back by Walker.

8 Q. To Conestoga?

9 A. To Conestoga.

10 Q. Where were you at this point?

11 A. I don't know.

12 Q. Well, do you think you were with Walker?

13 A. We were in separate cars. I know that.

14 Q. How do you know that?

15 A. Because we are out there in back-up

16 capacity. If people needed to be followed or

17 stopped, we would do it separately.

18 Q. You previously testified you don't know

19 what Walker was doing. How do you know he was in

20 back up?

21 A. He was out there in back up.

22 Q. How do you know that?

23 A. It clearly says it here in the report.

24 Q. Where does it say that?

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|---|---|
| <p style="text-align: right;">Page 58</p> <p>1 A. It says was followed back to 1621 North<br/>2 Conestoga by Walker 3730.<br/>3 Q. If you read this report and review of the<br/>4 PARS report prior to testifying today, wasn't Walker<br/>5 the one that observed the Bonneville, the green<br/>6 Bonneville, at the scene, Master Street, originally?<br/>7 A. I don't see that. If you show that to me,<br/>8 I'll gladly look at it.<br/>9 Q. Okay.<br/>10 All right. Strike that. Strike that.<br/>11 It is your testimony based on this report<br/>12 that Walker followed him to Conestoga?<br/>13 A. Yes.<br/>14 Q. You previously testified that Mr. Torain<br/>15 went into Conestoga, came out some period of time<br/>16 later, and went down to another unit, correct?<br/>17 A. Correct.<br/>18 Q. How do you know that?<br/>19 Is that based on this reading or were you<br/>20 involved at that point?<br/>21 A. Well, it says at approximately 2:00 p.m. I<br/>22 observed Torain exit Conestoga Street 1621.<br/>23 Q. Okay.<br/>24 A. And travel westbound on Hunter in the</p> | <p style="text-align: right;">Page 60</p> <p>1 neighborhood. I would stick out like a sore thumb.<br/>2 Q. Correct me if I'm wrong, isn't the Master<br/>3 Street properties a predominantly black<br/>4 neighborhood?<br/>5 A. Correct.<br/>6 Q. Monaghan's white?<br/>7 A. Correct.<br/>8 Q. Kelly's white?<br/>9 A. Correct. But if they're in a surveillance<br/>10 van they don't know they're there being watched.<br/>11 Q. How do you know they were in a surveillance<br/>12 van?<br/>13 A. Because they videotaped it. They were in<br/>14 what was called a surgey (ph) van.<br/>15 Q. Is that a van provided by the police<br/>16 department?<br/>17 A. It is.<br/>18 Q. Did you see them in that van?<br/>19 A. I know they were in the van.<br/>20 Q. How do you know?<br/>21 A. Because they were in the van. I seen them<br/>22 in the van and that's how they were doing their<br/>23 surveillance.<br/>24 Q. Did you actually see them go in the van?</p> |
| <p style="text-align: right;">Page 59</p> <p>1 Bonneville to the conner of 55th and Hunter Street.<br/>2 Q. All right.<br/>3 A. At this point Torain exited the vehicle and<br/>4 entered 1628 North 55th Street.<br/>5 Q. All right.<br/>6 So if I read this report correctly, Walker<br/>7 followed him from the Master Street properties where<br/>8 there was surveillance set up to 1621 North<br/>9 Conestoga. Then when Torain came out of Conestoga,<br/>10 you followed him over to the other unit; does that<br/>11 sound right?<br/>12 A. Correct.<br/>13 Q. How far was the other unit? This is 56th<br/>14 and Master, correct?<br/>15 A. Correct.<br/>16 Q. How far was that unit from 1621 Conestoga?<br/>17 A. Couple blocks.<br/>18 Q. Did you follow him on foot or in a vehicle?<br/>19 A. Vehicle.<br/>20 Q. How do you know?<br/>21 A. Because I'm telling you I was in a vehicle.<br/>22 I couldn't be on foot in that area.<br/>23 Q. Why?<br/>24 A. Because it's predominantly a black</p>  | <p style="text-align: right;">Page 61</p> <p>1 That's my question.<br/>2 A. Well, probably Kelly had to pick the van up<br/>3 on his way into work at the arsenal which is on<br/>4 Tioga Street --<br/>5 Q. I don't want you to guess. You said<br/>6 probably.<br/>7 A. I'm not guessing. He --<br/>8 Q. Well --<br/>9 ATTORNEY GONZALES: Whoa. He is<br/>10 answering. Don't interrupt. Let him<br/>11 answer the question.<br/>12 BY ATTORNEY PILEGGI:<br/>13 Q. Go ahead.<br/>14 A. They utilized the surgey van for this<br/>15 operation because they videotaped the one day.<br/>16 Q. Okay.<br/>17 What does that van look like? Can you<br/>18 describe it?<br/>19 A. It's a van. I don't know exactly what it<br/>20 looked like. We're going back 20 years.<br/>21 Q. How did they videotape? I mean, they sit<br/>22 in a van?<br/>23 A. That van is equipped with a video camera<br/>24 and that's probably how they taped it.</p>                            |

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1 Q. Okay.

2 Do you know if both Monaghan and Kelly were

3 both in that van?

4 A. Yes.

5 Q. Okay.

6 And that van was parked right outside of

7 those properties? Those three properties?

8 A. I believe the van was parked across the

9 street. These properties are situated on the -- it

10 would be the northwest corner. I believe they were

11 sitting on the southeast corner.

12 Q. Okay.

13 You think they would stick out like a sore

14 thumb at that property?

15 A. Not if no one knows they're in the back of

16 the van.

17 Q. Okay.

18 So you follow Torain to the 56th and Master

19 property, right?

20 A. Correct.

21 Q. How far is that Master Street property from

22 where Monaghan and Kelly were surveilling?

23 A. A couple blocks.

24 Q. When you say a couple?

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1 A. Three to six. Two to seven. I'm not

2 exactly sure. It is not that far though.

3 Q. Okay.

4 When you followed Torain, tell us in detail

5 what happened. What did you see?

6 A. At which point are you talking about,

7 Counsel?

8 Q. Well, you're reading from the affidavit,

9 correct?

10 A. Correct.

11 Are you talking about when he left Conestoga

12 Street?

13 Q. Yes.

14 A. He left Conestoga Street. Got back into

15 the Bonneville and went to the property at 1628 55th

16 Street where he entered with a key.

17 Q. Now, did you see him from the time he left

18 Conestoga to the time he entered, and maybe I

19 shouldn't assume this, did he enter?

20 A. Correct. He did enter.

21 Q. From the time he left Conestoga to the time

22 he entered 55th Street, did you see him do anything

23 illegal?

24 A. Did not.

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1 Q. Okay.

2 What was your information as to why you were

3 following him?

4 A. Because Officer Kelly and Monaghan saw some

5 interactions with him and one of the dealers that

6 was at 56th and Master Street.

7 Q. So was he determined to be a buyer at that

8 point?

9 A. I'm not sure what they determined him to

10 be.

11 Q. All right.

12 Just for clarification, there was no buyers

13 ever arrested during this investigation, correct?

14 A. Correct.

15 Q. Okay.

16 Were any of the buyers over the three-day

17 period of time -- and by the way, they saw many,

18 many, many buys, correct?

19 A. Correct.

20 Q. Were any of the buyers ever followed or

21 arrested?

22 A. I don't believe so.

23 Q. Why Torain? Why was he special?

24 A. You would have to ask Monaghan and Kelly

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1 because they were the ones doing the observations,

2 Counsel.

3 Q. Okay.

4 But neither Monaghan nor Kelly ever told you

5 why exactly you were following Torain?

6 A. They came over the air said follow this

7 car. We believe he may have just re-upped one of

8 the dealers.

9 Q. He what?

10 A. Re-upped one of the dealers.

11 Q. What does that mean?

12 A. Gave them drugs to go sell.

13 Q. That is what Monaghan or Kelly told you?

14 A. I don't remember the exact wording. They

15 jut told us to follow the Bonneville out because he

16 just had an interaction with one of the dealers from

17 Master Street.

18 Q. So you didn't think he was a buyer. You

19 thought he was a dealer?

20 A. Correct, based --

21 Q. Based on what Monaghan or Kelly told you?

22 A. Yes.

23 Q. And which one of them told you that,

24 Monaghan or Kelly?

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| <p style="text-align: right;">Page 66</p> <p>1 A. Not sure.</p> <p>2 Q. Okay.</p> <p>3 So you were following him to see what?</p> <p>4 A. To see what he did.</p> <p>5 Q. Okay.</p> <p>6 And he didn't do anything from the time you</p> <p>7 left Conestoga that you followed him until he went</p> <p>8 into Master Street, correct?</p> <p>9 A. Correct.</p> <p>10 Q. When we say did, we both mean anything</p> <p>11 illegal, right?</p> <p>12 A. Correct.</p> <p>13 Q. What did you see him do illegal once he</p> <p>14 went into Master Street, sorry, 55th Street?</p> <p>15 A. I didn't see him do anything.</p> <p>16 Q. Did anyone see him? Any police officer?</p> <p>17 A. There was an observation that was made by</p> <p>18 Walker over at 55th Street.</p> <p>19 Q. What observation was that?</p> <p>20 A. Said Walker followed three individuals,</p> <p>21 Delee and two other individuals, Tillman back to</p> <p>22 55th and Hunter where -- it's cut off, like I said,</p> <p>23 once again, where the car on 55th Street all these</p> <p>24 males exited the Buick were in the 1628 58th let</p> | <p style="text-align: right;">Page 68</p> <p>1 reading this affidavit?</p> <p>2 A. I'm sure he said it over radio what he saw.</p> <p>3 Q. But he was on the scene with you, wasn't</p> <p>4 he?</p> <p>5 A. No. I said we were in separate vehicles.</p> <p>6 Q. Okay.</p> <p>7 But he was in the area at Conestoga, right?</p> <p>8 He followed him to Conestoga and then you followed</p> <p>9 him from Conestoga to 55th, right?</p> <p>10 A. Correct.</p> <p>11 I don't know exactly where he was at in the</p> <p>12 area. He was in the area, yes.</p> <p>13 Q. You do know that he was at some point at</p> <p>14 55th Street because according to the affidavit, he</p> <p>15 observed something?</p> <p>16 A. Correct.</p> <p>17 Q. All right.</p> <p>18 Where were you when Torain went into 55th</p> <p>19 Street?</p> <p>20 A. Probably -- well, it says here that Torain</p> <p>21 was in there and then the three males showed up and</p> <p>22 they were in there for 20 minutes. Then I followed</p> <p>23 those three individuals back to 55th and Master</p> <p>24 Street. I don't know exactly where I was. I'm sure</p> |
| <p style="text-align: right;">Page 67</p> <p>1 into by Torain.</p> <p>2 Twenty minutes later all three of those</p> <p>3 males exit. Walker observed Delee place a clear bag</p> <p>4 inside his pocket. All three males go into the</p> <p>5 Buick and were followed back to 56th and Master</p> <p>6 Street by myself. He remained at 1628 North 55th.</p> <p>7 Q. So it's your testimony that Walker observed</p> <p>8 something illegal with respect to Torain or with</p> <p>9 respect to the unit at 55th Street?</p> <p>10 A. Based on this report.</p> <p>11 Q. You did not, correct?</p> <p>12 A. I did not.</p> <p>13 Q. Okay.</p> <p>14 But you arrested Torain eventually, right?</p> <p>15 A. Correct.</p> <p>16 Q. Who gave you the order to arrest him?</p> <p>17 A. I believe it would have been Officer</p> <p>18 Monaghan.</p> <p>19 Q. Did he tell you why he wanted you to arrest</p> <p>20 him?</p> <p>21 A. Based on the observations made on Ithan and</p> <p>22 Master and then based on what Walker seen.</p> <p>23 Q. Okay.</p> <p>24 Did you know what Walker saw other than</p>                | <p style="text-align: right;">Page 69</p> <p>1 I was still in the area.</p> <p>2 Q. You were still in a back-up capacity?</p> <p>3 A. Still in the area, yes.</p> <p>4 Q. But you did not observe these three</p> <p>5 individuals, did you?</p> <p>6 A. I did not.</p> <p>7 Q. You did not observe any of these three</p> <p>8 individuals putting drugs in their pocket?</p> <p>9 A. Did not.</p> <p>10 Q. Did you observe Torain leave 55th at some</p> <p>11 point?</p> <p>12 A. No, that was based on the information I</p> <p>13 received from Walker, I believe. If I could see</p> <p>14 that report?</p> <p>15 Q. So --</p> <p>16 A. Yeah, it was based on because when those</p> <p>17 three individuals left they went back to Master</p> <p>18 Street. I followed them and it clearly states</p> <p>19 Walker remained at 55th and Hunter watching 1628.</p> <p>20 Q. Okay.</p> <p>21 Did you arrest those three individuals?</p> <p>22 A. I believe they were arrested. I'm not sure</p> <p>23 if I did or not.</p> <p>24 Q. Well, you followed them back, correct?</p>   |



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| <p style="text-align: right;">Page 70</p> <p>1 A. Yes, and then once back there Officer Kelly<br/>2 and Monaghan would then take over surveilling those<br/>3 individuals.<br/>4 Q. And you went from following them back to<br/>5 Master Street to arresting Torain maybe nine, 10<br/>6 blocks away from 55th Street?<br/>7 ATTORNEY GONZALES: Objection. I<br/>8 think some things happened in between, but<br/>9 go ahead. You can answer.<br/>10 ATTORNEY PILEGGI: We'll get to<br/>11 it.<br/>12 THE WITNESS: Yeah, eventually he<br/>13 left 1628 North 55th Street and I followed<br/>14 him out of the area and arrested him, yes.<br/>15 BY ATTORNEY PILEGGI:<br/>16 Q. You must have gone back to that area of<br/>17 55th Street after you followed the other three<br/>18 individuals back to Master Street?<br/>19 Does that sound right?<br/>20 A. I probably -- it's really not that far<br/>21 away. I was probably still in the area, yes.<br/>22 Q. Okay.<br/>23 And do you know why you were supposed to be<br/>24 the arresting officer of Torain and not Walker who</p> | <p style="text-align: right;">Page 72</p> <p>1 radio.<br/>2 ATTORNEY GONZALES: Can we take<br/>3 five minutes? Joe, are you there? We're<br/>4 going to take five minutes.<br/>5 ATTORNEY SENGODA: Okay.<br/>6 (At this time, a short break was<br/>7 taken.)<br/>8 BY ATTORNEY PILEGGI:<br/>9 Q. Okay.<br/>10 At some point, and it looks like around<br/>11 3:00 p.m., 2:58 p.m., you stopped Torain's vehicle,<br/>12 the green Bonneville, correct?<br/>13 A. Correct. The 2:58 is when he left the<br/>14 area. Then I stopped him at 61st and Nassau, yes.<br/>15 Q. By the way, did you have any information on<br/>16 Torain prior to this job that he was involved in any<br/>17 illegal activity?<br/>18 A. I did not. The only information that I<br/>19 stated that I had was probably from Monaghan and<br/>20 Kelly about the observations they made of him over<br/>21 at Ithan or 5600 Master and then probably the<br/>22 information that Walker seen him at 55th Street.<br/>23 Q. Before you stopped him, had you determined<br/>24 who he was? In other words, what his name was?</p> |
| <p style="text-align: right;">Page 71</p> <p>1 actually observed allegedly observed these<br/>2 narcotics?<br/>3 A. I have no idea. It's just the way things<br/>4 transpired that day.<br/>5 Q. Nevertheless, you did -- did you follow<br/>6 Torain from 55th Street to wherever he was arrested?<br/>7 A. Yes to 61st and Nassau.<br/>8 Q. And how many blocks is that?<br/>9 A. Not exactly sure.<br/>10 Q. If you had to guess? Ten maybe?<br/>11 A. Well 55th to 61st is six blocks.<br/>12 Q. Okay. Nassau?<br/>13 A. I'm not sure. Maybe anywhere from 1 to 20<br/>14 blocks, maybe.<br/>15 Q. All right.<br/>16 Then you made the arrest based on the<br/>17 information that either Monaghan or Kelly provided<br/>18 you; is that correct?<br/>19 A. As well as Walker, yes.<br/>20 Q. Do you ever recall talking to Officer<br/>21 Walker before you made the arrest of Torain as to<br/>22 what Torain exactly did that was illegal?<br/>23 A. I don't recall if I did or not. As I<br/>24 stated, I'm sure he probably put it out over police</p>                               | <p style="text-align: right;">Page 73</p> <p>1 A. I did not, no.<br/>2 Q. Okay.<br/>3 Was he described other than the vehicle?<br/>4 Was there flash information?<br/>5 A. I'm sure there was. I don't remember<br/>6 exactly what the information was though.<br/>7 Q. Okay.<br/>8 Nevertheless, you were told to stop, by<br/>9 somebody, to stop the green Bonneville?<br/>10 A. Correct.<br/>11 Q. All right.<br/>12 That's the same vehicle that you saw him<br/>13 drive from Conestoga Street to 55th Street, correct?<br/>14 A. Yes.<br/>15 Q. All right.<br/>16 You do not recall seeing him leave 55th<br/>17 Street, but you do recall the stop that you made at<br/>18 61st and Nassau?<br/>19 A. Yes.<br/>20 Q. All right.<br/>21 What happened?<br/>22 A. He was stopped. Recovered from him was a<br/>23 pager, a cell phone and five keys, a black key ring<br/>24 and one of them was later determined to work the</p>  |

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| <p style="text-align: right;">Page 74</p> <p>1 door to 1628 55th Street at Apartment 2 inside, and<br/>2 \$250 USC.</p> <p>3 ATTORNEY GONZALES: Is this based<br/>4 on your review of the Affidavit of Probable<br/>5 Cause?</p> <p>6 THE WITNESS: It is.</p> <p>7 BY ATTORNEY PILEGGI:</p> <p>8 Q. I'm not trying to be smart, but keys<br/>9 meaning real keys to open a door. Not kilos?</p> <p>10 A. No. Keys.</p> <p>11 Q. Was there anything illegal taken from him<br/>12 at that time? Any contraband?</p> <p>13 A. No.</p> <p>14 Q. Anything that you later determined was<br/>15 contraband after he was arrested?</p> <p>16 A. From him?</p> <p>17 Q. Yeah.</p> <p>18 A. No. As it states, it was just the keys,<br/>19 the phone, the pager, and the money.</p> <p>20 Q. Okay.</p> <p>21 I'm saying did you look in the pager somehow<br/>22 or the cell phone and determine that he was somehow<br/>23 involved in any illegal activity?</p> <p>24 A. No.</p> | <p style="text-align: right;">Page 76</p> <p>1 states, correct?</p> <p>2 A. Correct.</p> <p>3 Q. Specifically, it's kind of cut off, but it<br/>4 says something ring containing five keys, right?</p> <p>5 A. Yes.</p> <p>6 Q. And one black key ring containing three<br/>7 keys. One later to work the door at 1628 North 55th<br/>8 Street and Apartment 2 inside, right?</p> <p>9 A. Right.</p> <p>10 Q. Okay.</p> <p>11 So you confiscated those items?</p> <p>12 A. Correct, and they were turned over to<br/>13 Monaghan.</p> <p>14 Q. And when you arrested Mr. Torain, you put<br/>15 those on property receipts, correct?</p> <p>16 A. They would've all been turned over to<br/>17 Officer Monaghan and then put on a property receipt,<br/>18 yes. Not when we got back at headquarters.</p> <p>19 Q. Well, when you arrested him where was he<br/>20 transported to?</p> <p>21 A. I believe it would have been 55th and Pine,<br/>22 not 100 percent sure, because that's the holding<br/>23 facility for that area.</p> <p>24 Q. Did you transport him?</p> |
| <p style="text-align: right;">Page 75</p> <p>1 Q. You didn't look or you looked and you<br/>2 didn't find anything?</p> <p>3 A. I didn't look.</p> <p>4 Q. Okay.</p> <p>5 Would that be something you would normally<br/>6 do?</p> <p>7 A. No.</p> <p>8 Q. Okay.</p> <p>9 Is it fair to say that his stop and arrest<br/>10 was based solely on what Monaghan or Kelly told you<br/>11 as well as some information that Walker informed you<br/>12 about at 55th Street?</p> <p>13 A. Yes.</p> <p>14 Q. Okay.</p> <p>15 Was there anything about the 55th Street<br/>16 unit that in your mind was illegal? In other words,<br/>17 was Torain doing anything that you determined later<br/>18 on -- anything illegal in 55th Street?</p> <p>19 A. There was a safe that was recovered in<br/>20 there.</p> <p>21 Q. Okay.</p> <p>22 A. With some crack cocaine in it.</p> <p>23 Q. And let's talk about that.</p> <p>24 You confiscated keys as the affidavit</p>          | <p style="text-align: right;">Page 77</p> <p>1 A. I don't believe I did.</p> <p>2 Q. Because you went back to arrest Mr. Hodge,<br/>3 correct?</p> <p>4 A. Correct.</p> <p>5 Q. All right.</p> <p>6 So whoever the strike force guys who were<br/>7 there were the ones that transported him?</p> <p>8 A. Yes.</p> <p>9 Q. Is that in any of the paperwork who they<br/>10 were?</p> <p>11 A. No, I don't believe so. I haven't seen it.</p> <p>12 Q. Wouldn't that have to be in an arrest<br/>13 report?</p> <p>14 A. You would have to take that up with Officer<br/>15 Monaghan. I didn't prepare this report.</p> <p>16 Q. Well, you were the one that did the arrest.<br/>17 Wouldn't you have to be the one to prepare the<br/>18 arrest report?</p> <p>19 A. No.</p> <p>20 Q. You would not?</p> <p>21 A. I did the arrest. Everything that I did<br/>22 was told to Monaghan who's the assigned investigator<br/>23 who would do all the paperwork.</p> <p>24 Q. So in other words, you at some point went</p>  |



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| <p style="text-align: right;">Page 78</p> <p>1 back and told Officer Monaghan that you confiscated<br/>2 a key ring containing three silver keys, one that<br/>3 worked the door at 55th Street, one Cancer key ring<br/>4 containing five keys, Phillips market pager,<br/>5 Motorola Nextell cell phone, and a Commonwealth of<br/>6 Pennsylvania board of probation and parole in the<br/>7 name of the defendant.<br/>8 You told them that they were the items that<br/>9 you confiscated off of Mr. Torain at the time?<br/>10 A. I don't remember the parole paperwork that<br/>11 you're talking about.<br/>12 Q. Well, you were the one that confiscated<br/>13 whatever was confiscated, correct?<br/>14 ATTORNEY GONZALES: Wait a<br/>15 minute. That's argumentative. You asked<br/>16 him. He answered it. He doesn't remember<br/>17 it. You can't just keep saying but.<br/>18 ATTORNEY PILEGGI: No, I'm just<br/>19 asking him.<br/>20 BY ATTORNEY PILEGGI:<br/>21 Q. You're the one that confiscated those<br/>22 items, correct?<br/>23 A. The cell phone, the pager, the keys, the<br/>24 money. I don't remember that piece of paperwork</p> | <p style="text-align: right;">Page 80</p> <p>1 record they're marked NFU 7462, 63 and 64,<br/>2 Bates numbered.<br/>3 ATTORNEY PILEGGI: Which were<br/>4 provided by the City, correct?<br/>5 ATTORNEY GONZALES: Yup.<br/>6 ATTORNEY PILEGGI: All right.<br/>7 BY ATTORNEY PILEGGI:<br/>8 Q. Do you see those property receipts,<br/>9 Officer?<br/>10 A. Correct.<br/>11 Q. The property receipts representing what was<br/>12 ever -- whatever was confiscated from Mr. Torain,<br/>13 right?<br/>14 A. Correct.<br/>15 Q. Okay.<br/>16 I want you to read 07. Do you see there<br/>17 where it says there was a Pennsylvania looks like a<br/>18 parole some kind of notice?<br/>19 A. Correct.<br/>20 Q. You don't recall confiscating that?<br/>21 A. I do not.<br/>22 Q. Okay.<br/>23 Do you recall confiscating the keys,<br/>24 correct?</p>   |
| <p style="text-align: right;">Page 79</p> <p>1 that you're talking about or it doesn't say it.<br/>2 If you show me what you're looking at?<br/>3 Q. Sure.<br/>4 A. I'll be able to --<br/>5 ATTORNEY PILEGGI: Let's mark<br/>6 that as Reynolds-2.<br/>7 (At this time, documents were<br/>8 marked for identification as Reynolds-2.)<br/>9 ATTORNEY GONZALES: Do yo have<br/>10 extra copies?<br/>11 ATTORNEY PILEGGI: I do not. I<br/>12 just want to do this collectively. This is<br/>13 property receipts 2308-207, 2308-208 and<br/>14 2308-210.<br/>15 ATTORNEY GONZALES: You don't<br/>16 have copies?<br/>17 ATTORNEY PILEGGI: I do not.<br/>18 ATTORNEY GONZALES: Can you make<br/>19 some?<br/>20 BY ATTORNEY PILEGGI:<br/>21 Q. All right. Do you see these property<br/>22 receipts collectively the last numbers are 07, 08<br/>23 and 10?<br/>24 ATTORNEY GONZALES: For the</p>  | <p style="text-align: right;">Page 81</p> <p>1 A. Correct.<br/>2 Q. Both set of keys?<br/>3 A. Correct.<br/>4 Q. You recall confiscating the phone, right?<br/>5 A. Correct.<br/>6 Q. You also recall confiscating the pager,<br/>7 right?<br/>8 A. Correct.<br/>9 Q. But you do not recall --<br/>10 A. I do not.<br/>11 Q. -- that notice?<br/>12 A. Do not.<br/>13 Q. Do you know who would have put that on<br/>14 there?<br/>15 A. I do not.<br/>16 Q. Do you think that that's not something that<br/>17 was confiscated off him a the time?<br/>18 A. If it's on here someone had to confiscate<br/>19 it. I just don't remember doing it.<br/>20 Q. You were the confiscating officer, right?<br/>21 ATTORNEY GONZALES: You have<br/>22 asked that question. Every time he answers<br/>23 something and you're not satisfied with the<br/>24 answer you go but you were the officer --</p> |

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| <p style="text-align: right;">Page 82</p> <p>1 ATTORNEY PILEGGI: I'm very</p> <p>2 satisfied with that answer.</p> <p>3 ATTORNEY GONZALES: Fine. Then</p> <p>4 don't argue with the witness.</p> <p>5 BY ATTORNEY PILEGGI:</p> <p>6 Q. Do you know who would have put that on the</p> <p>7 property receipt of the items that you confiscated</p> <p>8 off of Mr. Torain?</p> <p>9 ATTORNEY GONZALES: Objection to</p> <p>10 the form of the question. Asked and</p> <p>11 answered. You can answer it again.</p> <p>12 THE WITNESS: I do not.</p> <p>13 BY ATTORNEY PILEGGI:</p> <p>14 Q. Okay.</p> <p>15 And these are all items, whether you don't</p> <p>16 recall them being confiscated at the time or whether</p> <p>17 you do recall it being confiscated at the time,</p> <p>18 these are all items that you informed Officer</p> <p>19 Monaghan that you confiscated off of Mr. Torain?</p> <p>20 A. Correct.</p> <p>21 Q. Okay.</p> <p>22 When was that?</p> <p>23 A. Probably when he -- before he went back to</p> <p>24 type up the search warrant for 1628 55th Street.</p> | <p style="text-align: right;">Page 84</p> <p>1 He was being arrested based on the</p> <p>2 observations of Monaghan, Kelly and Walker.</p> <p>3 ATTORNEY GONZALES: Objection.</p> <p>4 Asked and answered multiple, multiple</p> <p>5 times. You can answer again.</p> <p>6 THE WITNESS: Yes.</p> <p>7 BY ATTORNEY PILEGGI:</p> <p>8 Q. All right.</p> <p>9 Now you actually -- do you recall at the</p> <p>10 preliminary hearing testifying to the circumstances</p> <p>11 of the arrest?</p> <p>12 A. I do not. Do you have a copy? I'd like to</p> <p>13 take a look at it.</p> <p>14 Q. Do you recall testifying to anything at the</p> <p>15 preliminary hearing?</p> <p>16 A. No.</p> <p>17 Q. Okay.</p> <p>18 How about at trial?</p> <p>19 A. I don't recall.</p> <p>20 Q. Okay.</p> <p>21 But wouldn't you be the officers, the</p> <p>22 arresting officer, that would be the one that would</p> <p>23 have to testify as to whether there was sufficient</p> <p>24 probable cause to arrest that particular person?</p>   |
| <p style="text-align: right;">Page 83</p> <p>1 Q. Well, I don't want you to guess. You said</p> <p>2 probably. Do you recall specifically?</p> <p>3 A. I don't remember exactly, no, because as I</p> <p>4 stated it's 20 years ago.</p> <p>5 Q. Well, do you see there what the time of the</p> <p>6 arrest was?</p> <p>7 A. I do. It says 3:30.</p> <p>8 Q. Okay.</p> <p>9 Look at some of the other property receipts.</p> <p>10 See if there's a different time?</p> <p>11 A. 3:05, 3:30.</p> <p>12 Q. Can you explain that?</p> <p>13 A. No, I can't.</p> <p>14 Q. Do you know when the actual arrest was?</p> <p>15 Was it 3:30 or 3:05?</p> <p>16 A. I would say it was probably 3:05 because it</p> <p>17 wouldn't take a half an hour to get from 1628 North</p> <p>18 55th to 61st and Nassau.</p> <p>19 Q. Okay.</p> <p>20 So Mr. Torain was transported, you think, to</p> <p>21 55th and Pine and was placed under arrest and put in</p> <p>22 a cell?</p> <p>23 A. Yes.</p> <p>24 Q. Okay.</p>   | <p style="text-align: right;">Page 85</p> <p>1 A. Well, I wouldn't testify to the probable</p> <p>2 cause. I would just basically say based on the</p> <p>3 information from Monaghan and Kelly and then what</p> <p>4 Walker observed, the defendant Kareem Torain was</p> <p>5 followed out of the area and arrested by myself.</p> <p>6 Other officers could do that if it was done in their</p> <p>7 presence. Not sure if that was done in the case or</p> <p>8 not.</p> <p>9 Q. Okay.</p> <p>10 Now, some of these items, and I will give</p> <p>11 you an opportunity to tell us which ones, some of</p> <p>12 these items were actually given to another police</p> <p>13 officer after you made the arrest and after you made</p> <p>14 the confiscations, right?</p> <p>15 In other words -- let me rephrase that.</p> <p>16 Did you recall taking the items down to 55th</p> <p>17 and Pine to be processed?</p> <p>18 A. I don't recall. I know I turned the items</p> <p>19 at some point over to Monaghan and Kelly or Monaghan</p> <p>20 because he would be the assigned, not Kelly.</p> <p>21 Q. So you recall all the items or some of the</p> <p>22 I items?</p> <p>23 A. Just on property receipt 2308-207 I</p> <p>24 remember items one, two, three and four being turned</p> |

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1 over to Officer Monaghan.  
2 Q. What are one, two, three and four?  
3 A. The keys, the other set of keys, the pager  
4 and the cell phone.  
5 Q. How about the money? Did you keep that?  
6 A. No, that was turned over to Officer  
7 Monaghan also.  
8 Q. As well? At the same time as the keys?  
9 A. Probably, yes.  
10 Q. You said probably. Do you recall  
11 specifically?  
12 A. Yeah, it would have been turned over.  
13 Q. You wouldn't have carried that around with  
14 you, would you?  
15 A. No.  
16 Q. Anything else turned over to them?  
17 A. That's all that I recall I did.  
18 Q. Okay.  
19 You keep saying turned over perhaps either  
20 to Monaghan or Kelly --  
21 A. It would have been Monaghan not Kelly.  
22 Monaghan was the assigned.  
23 Q. Am I correct that at some point you were  
24 present when Officer Monaghan, yourself and perhaps

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1 other officers went back to 55th Street to enter  
2 that unit?  
3 A. Correct.  
4 Q. Okay.  
5 Why did you do that?  
6 A. It was determined to go back to secure that  
7 property where Torain went to.  
8 Q. Secure it for what?  
9 A. So that evidence would no be destroyed or  
10 lost.  
11 Q. What evidence?  
12 A. Obviously there was crack cocaine in there.  
13 Q. Well, how did you know there was crack  
14 cocaine in there?  
15 A. After there was a warrant done it was  
16 confiscated.  
17 Q. Wait a minute. After a warrant was done  
18 you knew there was crack cocaine. I'm asking you  
19 what was the probable cause at that point to go into  
20 that unit?  
21 A. Based on the observation that was made out  
22 front by Walker and based on what Kareem Torain was  
23 seen doing over on Master Street. That was all  
24 basis for following him to 55th Street as well as

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1 securing the property.  
2 Q. What did Master Street have anything to do  
3 with 55th Street? In other words, how did that fit  
4 into the probable cause of going into 55th Street?  
5 A. He was seen leaving there and going over to  
6 Conestoga --  
7 Q. So?  
8 A. -- then Master Street.  
9 Q. So?  
10 We already determined that he didn't do  
11 anything illegal all that period of time.  
12 A. Well, no, he did some transaction over on  
13 Master Street with one of the dealers from over  
14 there, correct?  
15 Q. Who told you that?  
16 A. Monaghan and Kelly. It's in the police  
17 report.  
18 Q. Well, it is in the police report. Did they  
19 tell you that before you arrested Torain?  
20 A. Sure.  
21 Q. When?  
22 A. Over police radio. That's why they had us  
23 follow him.  
24 Q. When before he went into 55th Street?

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1 A. Probably --  
2 Q. Or before he went into --  
3 A. -- he --  
4 ATTORNEY GONZALES: Whoa. Whoa.  
5 THE COURT REPORTER: Hold on.  
6 ATTORNEY PILEGGI: I have to  
7 finish the question.  
8 ATTORNEY GONZALES: We have gone  
9 over this.  
10 ATTORNEY PILEGGI: No, we  
11 haven't.  
12 ATTORNEY GONZALES: Absolutely.  
13 You asked him why did you arrest him and he  
14 told you he is not sure but he remembered  
15 he got information from the officers.  
16 You've asked this question at least five or  
17 six times.  
18 ATTORNEY PILEGGI: I didn't.  
19 ATTORNEY GONZALES: What's the  
20 question? I want to hear the question that  
21 hasn't been answered.  
22 ATTORNEY PILEGGI: You didn't let  
23 me finish.  
24 BY ATTORNEY PILEGGI:

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1 Q. Did they -- did you give -- did they give  
2 you that information before he went into Conestoga  
3 or before he went into Master, okay?  
4 A. That's why we --  
5 Q. I'm sorry, 55th Street?  
6 A. When he left Master Street the reason they  
7 told us to follow him was because he did an  
8 interaction with one of the dealers that was out  
9 there. That's why he was then followed to  
10 Conestoga. Then we continued to surveil that and  
11 then he was followed to 55th Street where you had  
12 three individuals where Walker made observations  
13 from.  
14 Q. Okay.  
15 A. Based on that is why I followed him out of  
16 the area and arrested him.  
17 Q. Okay. So --  
18 A. I would have had to have that information  
19 in order the place him under arrest.  
20 Q. Okay.  
21 So I'm asking you what was the probable  
22 cause to take the key that you gave to Monaghan and  
23 at least yourself and Monaghan go back to 55th  
24 Street and go in that unit?

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1 A. It was to secure it so that evidence  
2 wouldn't be lost or destroyed.  
3 Q. Okay.  
4 A. Monaghan and the supervisor made that  
5 decision to do that.  
6 Q. Okay.  
7 This is what I am going to ask you now: So  
8 in order to enter a unit, am I correct, in your  
9 experience as a police officer, 28 years, in order  
10 to enter a unit you have to have probable cause,  
11 correct?  
12 A. Correct.  
13 Q. All right.  
14 And is it your testimony that the probable  
15 cause to go into that unit is to secure it to make  
16 sure that evidence wouldn't be destroyed?  
17 A. Yes.  
18 Q. And that evidence that you think was in  
19 that unit was based on what Walker told you or came  
20 over the police radio and what Monaghan told you  
21 when he was surveilling at the scene at Master  
22 Street?  
23 A. Correct. That's why Monaghan along with a  
24 supervisor determined to go secure the property.

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1 Q. Let me ask you a question. How did you  
2 know which keys? Did you take all the keys? I see  
3 two sets of keys and there has got to be in both  
4 sets 10 keys or maybe eight keys. Did you go try  
5 them all?  
6 A. I did not. Monaghan would have done that.  
7 Q. Well, you gave the keys to Monaghan right?  
8 A. Correct, but I wouldn't --  
9 Q. Well, would you --  
10 A. Hold on. I'm answering your question.  
11 Q. Okay.  
12 A. I wouldn't have tried it. Everything was  
13 turned over to Monaghan. The property was then  
14 secured once determined that the keys that were  
15 taken from Torain worked 1628 55th Street as well as  
16 the apartment door.  
17 Q. And you were there though, right?  
18 A. I was there, yes.  
19 Q. With Monaghan. Did you go right from the  
20 scene of the arrest back to 55th Street to meet  
21 Monaghan there?  
22 A. I'm not sure when we went back. We did go  
23 back, yes.  
24 Q. Okay.

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1 Now, am I correct at least at this point  
2 when you went back to the 55th Street, there still  
3 had not been any arrest made other than Mr. Torain?  
4 A. I think it was all transpiring as it was  
5 going along. So there was arrests that were made  
6 after the fact.  
7 Q. Yeah, after Torain was arrested?  
8 A. Correct.  
9 Q. And after you went to 55th Street, correct?  
10 A. No, we wouldn't have went to 55 Street  
11 until after everything was under control and  
12 everyone was arrested.  
13 Q. So is there anywhere in this document that  
14 says anything about when you went back to 55th  
15 Street? At what time?  
16 A. It says 3:50.  
17 Q. 3:50, okay.  
18 Am I correct that based on this document,  
19 that most of the arrests of the other individuals at  
20 Master Street was about 3:30?  
21 A. There was one at 3:17, 3:27, yeah.  
22 Q. Okay.  
23 So let me get this straight. You arrest him  
24 at 3:05. And then you go take the keys, meet

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|  |   |
|--|---|
| <p style="text-align: right;">Page 94</p> <p>1 Monaghan and go into the unit at 3:50 55th Street.</p> <p>2 A. That's what the paperwork says.</p> <p>3 Q. What did you do from 3:05 to 3:50?</p> <p>4 A. I have no idea.</p> <p>5 Q. Well, we know that you made another arrest</p> <p>6 at some point, tight?</p> <p>7 A. Yeah, I made another arrest.</p> <p>8 Q. Was that before or after the Torain arrest?</p> <p>9 A. That one was after, I believe, correct.</p> <p>10 Q. Okay.</p> <p>11 Was it before or after the arrest at Master</p> <p>12 Street?</p> <p>13 A. What arrest at Master Street.</p> <p>14 Q. Okay. Let's look at it.</p> <p>15 Looks like they --</p> <p>16 A. I didn't participate --</p> <p>17 Q. Hold on. You asked me and I will clarify</p> <p>18 it for you. It looks like they hit the houses at</p> <p>19 3:30, 5605, 5607 and 5609. I think we can all agree</p> <p>20 they're houses that are side by side.</p> <p>21 ATTORNEY GONZALES: What are you</p> <p>22 reading? Because that's not what it says</p> <p>23 in the PARS.</p> <p>24 ATTORNEY PILEGGI: I don't know</p> | <p style="text-align: right;">Page 96</p> <p>1 houses though. It would be other members of the</p> <p>2 unit.</p> <p>3 Q. But that wasn't my question.</p> <p>4 My question was what did you do -- let me</p> <p>5 ask you, did you participate in those search and</p> <p>6 seizures at 3:30?</p> <p>7 A. I'm not sure if I did or not. If you show</p> <p>8 the search warrants I will see if my badge number is</p> <p>9 on there. I could tell you if I participated in any</p> <p>10 of the searches.</p> <p>11 Q. Well, let me ask you this -- we'll get to</p> <p>12 that in a second.</p> <p>13 Did you participate in the search of 55th</p> <p>14 Street at 3:50?</p> <p>15 A. No.</p> <p>16 Q. How do you know?</p> <p>17 A. Because that wasn't done until after the</p> <p>18 warrant was done.</p> <p>19 Q. Are you sure about that?</p> <p>20 A. Yes. Positive.</p> <p>21 Q. Okay.</p> <p>22 So what do you mean? When was the warrant</p> <p>23 done?</p> <p>24 A. Well, once the property is secured you</p> |
| <p style="text-align: right;">Page 95</p> <p>1 why you keep reading the PARS, John. I</p> <p>2 know you want me to use the PARS. I would</p> <p>3 rather use the affidavit.</p> <p>4 ATTORNEY GONZALES: Can you</p> <p>5 please point out where it says 3:30?</p> <p>6 ATTORNEY PILEGGI: Second to the</p> <p>7 last page.</p> <p>8 ATTORNEY GONZALES: What's the</p> <p>9 Bates number?</p> <p>10 ATTORNEY PILEGGI: 479.</p> <p>11 ATTORNEY GONZALES: 479, all</p> <p>12 right. Where are you reading that says</p> <p>13 3:30 p.m.</p> <p>14 ATTORNEY PILEGGI: 1/4 at</p> <p>15 approximately 3:30 p.m. members of the</p> <p>16 narcotics executed search and seizure</p> <p>17 warrants 99025, 99026, 99027 at 5605, 5607,</p> <p>18 5609 Master Street and had to forcibly gain</p> <p>19 entry into all the properties. You see</p> <p>20 that?</p> <p>21 BY ATTORNEY PILEGGI:</p> <p>22 Q. So based on that is it fair to say that</p> <p>23 they hit all these houses at 3:30?</p> <p>24 A. Yeah, it wouldn't be just us hitting the</p>   | <p style="text-align: right;">Page 97</p> <p>1 leave officers there. Monaghan goes back, types up</p> <p>2 a warrant for that, and then the evidence is seized.</p> <p>3 Q. Okay.</p> <p>4 But you were present when Monaghan tried the</p> <p>5 keys and secured the unit, correct?</p> <p>6 A. Yes.</p> <p>7 Q. Okay.</p> <p>8 And it's your testimony that someone was</p> <p>9 left there to secure the property?</p> <p>10 A. Yes.</p> <p>11 Q. Who was that? Was that yourself?</p> <p>12 A. I have no idea.</p> <p>13 Q. Would it be NFU Officers or would you use</p> <p>14 other officers?</p> <p>15 A. It would be an NFU Officer.</p> <p>16 Q. Okay.</p> <p>17 Would that be memorialized somewhere.</p> <p>18 A. I'm not sure. You would have to ask</p> <p>19 Monaghan that.</p> <p>20 Q. Okay.</p> <p>21 So when they went into the property, you</p> <p>22 were there when they used the key, did it open the</p> <p>23 front door?</p> <p>24 A. Yes.</p>  |



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|---|--|
| <p>Page 98</p> <p>1 Q. Okay.</p> <p>2 Am I correct that we now know or maybe you</p> <p>3 don't, that it was a rooming house?</p> <p>4 A. Yes.</p> <p>5 Q. A boarding house, whatever they call it?</p> <p>6 A. Yes.</p> <p>7 Q. In other words, there were several</p> <p>8 apartments in there?</p> <p>9 A. Several rooms in there, yes.</p> <p>10 Q. Okay.</p> <p>11 Did you go try the keys in all the different</p> <p>12 rooms or did the one key just open up the front</p> <p>13 door?</p> <p>14 ATTORNEY GONZALES: Objection.</p> <p>15 The witness has already answered he</p> <p>16 didn't do the key for any of the doors.</p> <p>17 You keep saying you and --</p> <p>18 ATTORNEY PILEGGI: He was on the</p> <p>19 scene. All right. Let me rephrase.</p> <p>20 BY ATTORNEY PILEGGI:</p> <p>21 Q. When you gave the key to Monaghan and</p> <p>22 Monaghan tried the keys, did the key open the front</p> <p>23 door?</p> <p>24 A. Yes, one of the keys did.</p>                     | <p>Page 100</p> <p>1 there.</p> <p>2 Q. This is what I'm trying to ask you.</p> <p>3 Did Monaghan with you in tow go and check</p> <p>4 every apartment to see if the key fit or did you</p> <p>5 know where you were going?</p> <p>6 A. I think Monaghan knew where we were</p> <p>7 going --</p> <p>8 Q. How did he know that?</p> <p>9 A. Based on where Walker made observations.</p> <p>10 Q. Of what?</p> <p>11 A. Seeing Torain in a room.</p> <p>12 Q. He actually saw Torain in that room?</p> <p>13 A. I believe it's somewhere in the police</p> <p>14 paperwork, yes.</p> <p>15 Q. Okay.</p> <p>16 Well, do you recall Officer Walker</p> <p>17 testifying to that at trial?</p> <p>18 A. I do not know. I don't know what Walker</p> <p>19 testified to.</p> <p>20 Q. All right.</p> <p>21 Let me read you this. I'm referring to the</p> <p>22 fourth page again.</p> <p>23 It says at approximately 3:50 members of the</p> <p>24 narcotics went to 1628 North 55th Street to attempt</p>                               |
| <p>Page 99</p> <p>1 Q. And you're looking at this document. I</p> <p>2 will submit to you there is nowhere on the document</p> <p>3 that says anything about this, so I mean.</p> <p>4 A. I understand, do you have a question?</p> <p>5 Q. It opens up the front door, one of the</p> <p>6 keys?</p> <p>7 A. Yes.</p> <p>8 Q. Do you go in with Monaghan?</p> <p>9 A. Yes.</p> <p>10 Q. So you break the barrier of the outside</p> <p>11 door?</p> <p>12 A. We walk in. We don't break nothing.</p> <p>13 Q. I mean you walk in.</p> <p>14 A. Yes.</p> <p>15 Q. Is there a hallway?</p> <p>16 A. Yes.</p> <p>17 Q. And you go upstairs?</p> <p>18 A. No, the apartment -- that apartment, I</p> <p>19 believe, was right there as soon as you go in to the</p> <p>20 right.</p> <p>21 Q. What that apartment?</p> <p>22 A. I didn't say that apartment. I said the</p> <p>23 apartment where the other key worked. Apartment 2</p> <p>24 where it was determined that Torain was, was right</p> | <p>Page 101</p> <p>1 to secure the apartment that Torain went in to.</p> <p>2 Police officer Kelly spoke with the manager</p> <p>3 of the property, Vincent Saunders in reference to a</p> <p>4 black male who rented a room inside.</p> <p>5 Let me stop there. So Officer Kelly was</p> <p>6 also on the scene.</p> <p>7 A. Correct.</p> <p>8 Q. Do you recall that?</p> <p>9 A. I don't recall -- I mean, I recall speaking</p> <p>10 to someone. I don't remember the gist of it. I</p> <p>11 wasn't there listening.</p> <p>12 Q. You recall Kelly speaking to someone or</p> <p>13 yourself?</p> <p>14 A. It says Kelly, correct?</p> <p>15 Q. Right.</p> <p>16 ATTORNEY GONZALES: The question</p> <p>17 is do you recall Kelly being there.</p> <p>18 ATTORNEY PILEGGI: Right.</p> <p>19 THE WITNESS: I recall Kelly</p> <p>20 being there, yeah. I answered that.</p> <p>21 ATTORNEY PILEGGI: Well, that's</p> <p>22 what I asked you.</p> <p>23 ATTORNEY GONZALES: It's just the</p> <p>24 same questions over and over.</p> |

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|---|--|
| <p style="text-align: right;">Page 102</p> <p>1 BY ATTORNEY PILEGGI:</p> <p>2 Q. Do you recall any other officers other than</p> <p>3 yourself Monaghan and Kelly?</p> <p>4 A. There would have been a supervisor with us</p> <p>5 also. It would have either been Sinclair or</p> <p>6 Gessner.</p> <p>7 Q. Why would there be a supervisor there?</p> <p>8 A. Because you need a supervisor in order to</p> <p>9 go in to secure a property. You have to inform them</p> <p>10 on what you want to do and make sure they're there</p> <p>11 with you.</p> <p>12 Q. Do you recall who called the supervisor?</p> <p>13 A. I do not.</p> <p>14 Q. Do you recall which supervisor?</p> <p>15 A. As I stated, it probably would have been</p> <p>16 either Sinclair or Gessner.</p> <p>17 Q. And do you recall someone speaking to a</p> <p>18 manager of the property, Vincent Saunders?</p> <p>19 A. Based on reading, it says Kelly spoke to</p> <p>20 him.</p> <p>21 Q. I want to know if you have an independent</p> <p>22 recollection of that?</p> <p>23 A. No.</p> <p>24 Q. But you were in there, right?</p> | <p style="text-align: right;">Page 104</p> <p>1 ATTORNEY PILEGGI: No, he did</p> <p>2 not, John.</p> <p>3 ATTORNEY GONZALES: He just did.</p> <p>4 ATTORNEY PILEGGI: Please.</p> <p>5 ATTORNEY GONZALES: He just did.</p> <p>6 THE WITNESS: It says it right</p> <p>7 here in the paperwork.</p> <p>8 ATTORNEY GONZALES: It's in the</p> <p>9 report. He just did.</p> <p>10 ATTORNEY PILEGGI: I'm asking him</p> <p>11 his independent -- I don't want him to read</p> <p>12 from a report?</p> <p>13 ATTORNEY GONZALES: He doesn't</p> <p>14 remember. He said that over and over</p> <p>15 again.</p> <p>16 BY ATTORNEY PILEGGI:</p> <p>17 Q. Okay.</p> <p>18 So you recall --</p> <p>19 ATTORNEY GONZALES: Look, do you</p> <p>20 want to do the whole deposition with him</p> <p>21 not reviewing a document and not having</p> <p>22 anything in front of him? He's going to</p> <p>23 say I don't recall 150 times. It's up to</p> <p>24 you how you want to do it.</p>   |
| <p style="text-align: right;">Page 103</p> <p>1 A. Correct.</p> <p>2 Q. It was a pretty small unit; do you recall</p> <p>3 that?</p> <p>4 A. It was also 20 years ago.</p> <p>5 Q. Okay.</p> <p>6 It was a pretty small unit, correct?</p> <p>7 A. Correct. It was a three-story unit, I</p> <p>8 believe.</p> <p>9 Q. Okay.</p> <p>10 I am going to ask this again because it was</p> <p>11 never answered. Do you recall Monaghan or any other</p> <p>12 Officer trying the keys in any other room?</p> <p>13 A. I do not, no.</p> <p>14 Q. Okay.</p> <p>15 But you think Monaghan knew that Torain was</p> <p>16 in room number 2, right?</p> <p>17 A. Correct.</p> <p>18 Q. Okay.</p> <p>19 Was that door opened? Room number 2?</p> <p>20 A. Yes, it would have been opened to determine</p> <p>21 the key worked there. Then it was secured.</p> <p>22 Q. You said the key worked the outer door.</p> <p>23 ATTORNEY GONZALES: He said the</p> <p>24 key worked the outer and the --</p>  | <p style="text-align: right;">Page 105</p> <p>1 ATTORNEY PILEGGI: I don't.</p> <p>2 John, this is my deposition. Please.</p> <p>3 BY ATTORNEY PILEGGI:</p> <p>4 Q. All right.</p> <p>5 So, based on this reading of the document,</p> <p>6 all right, we'll do it your way.</p> <p>7 Based on that, you're saying that one key</p> <p>8 fit both the outer door and the inner door? Is that</p> <p>9 what you're saying?</p> <p>10 A. I don't know if it was one key or if it was</p> <p>11 two separate keys. It says one was later to work</p> <p>12 the door at 1628 North 55th Street and apartment 2</p> <p>13 inside.</p> <p>14 Q. Okay. All right.</p> <p>15 A. I'm not sure if it was the same key or two</p> <p>16 separate keys.</p> <p>17 Q. So when the door was opened by Monaghan,</p> <p>18 right, did he go inside?</p> <p>19 A. It was a room, you --</p> <p>20 Q. I don't care. Did he go inside?</p> <p>21 ATTORNEY GONZALES: He wants.</p> <p>22 Hold on. I got it.</p> <p>23 THE WITNESS: Why is he getting</p> <p>24 so angry?</p> |



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1 ATTORNEY GONZALES: I don't know  
2 why he's getting angry.  
3 He wants to know whether Officer Monaghan,  
4 after he opened the door with the key,  
5 stepped foot inside the room.  
6 Is that what you're trying to ask?  
7 ATTORNEY PILEGGI: I wasn't  
8 trying. I did ask that.  
9 ATTORNEY GONZALES: Do you  
10 understand the question?  
11 THE WITNESS: Yeah, I understand  
12 the question.  
13 ATTORNEY GONZALES: All right.  
14 BY ATTORNEY PILEGGI:  
15 Q. Did someone -- did an Officer break the  
16 barrier of that door? I don't mean physically.  
17 A. He probably opened the door, looked into  
18 the room, then we secured it.  
19 Q. You saw that?  
20 A. Yes.  
21 Q. What did you do to secure it?  
22 A. Had an Officer stay there while he went and  
23 typed the search warrant.  
24 Q. He looked in the room. What was he looking

1 break the barrier, do you mean step inside?  
2 Cross the threshold?  
3 ATTORNEY PILEGGI: Okay.  
4 BY ATTORNEY PILEGGI:  
5 Q. Did you go in and cross the --  
6 A. I stated we stepped in.  
7 Q. Was that door locked?  
8 A. I believe it was because he had to unlock  
9 it with the key, yes.  
10 Q. When that door -- when you broke the  
11 threshold of that door, stepped inside, looked  
12 inside, whatever, was the supervisor there?  
13 A. Sure.  
14 Q. Okay.  
15 Do you remember having any interaction with  
16 the supervisor?  
17 A. I wouldn't have had. It would have been  
18 Officer Monaghan. He was the assigned investigator.  
19 Q. Then you leave there. You don't see  
20 anything in the room, right?  
21 A. Correct.  
22 Q. Okay.  
23 You leave there, but you leave somebody at  
24 the door to secure it?

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1 for?  
2 A. You would have to ask Monaghan that.  
3 Q. Okay. I did.  
4 A. Okay.  
5 Q. Now, did you look in the room?  
6 A. I probably looked in the room.  
7 Q. What were you looking for?  
8 A. I just looked in the room. I wasn't  
9 looking for nothing.  
10 Q. Well, why would you look in the room then?  
11 A. To see what it was.  
12 Q. Were you looking to see if anything was in  
13 plain sight?  
14 A. There was nothing in plain sight, if that's  
15 what you're asking.  
16 ATTORNEY GONZALES: That wasn't  
17 his question. He just asked you if that  
18 was the purpose of you looking in --  
19 THE WITNESS: Sure. Probably.  
20 BY ATTORNEY PILEGGI:  
21 Q. Probably. Okay.  
22 Do you think you broke the barrier of the  
23 door?  
24 ATTORNEY GONZALES: When you say

1 A. Correct.  
2 Q. You don't recall who that was?  
3 A. I do not.  
4 Q. What was the point of that?  
5 A. To make sure the evidence, if there was any  
6 evidence in there, didn't get lost or destroyed  
7 because Monaghan was typing up a search warrant. We  
8 are not just going to leave the property at that  
9 point. The people know we're there. If there's  
10 anything in there people could go in there and try  
11 to destroy the evidence.  
12 Q. And it's your testimony you didn't go into  
13 any drawers or anything to look for evidence at that  
14 time?  
15 A. I did not. I don't recall anybody else  
16 either.  
17 Q. Do you recall the size of the room?  
18 A. Smaller than this, I believe.  
19 Q. Probably the size of the bathroom in there?  
20 A. Could be. If you have pictures of it I'd,  
21 you know.  
22 Q. Was there a bed in there? Do you recall  
23 that?  
24 A. I believe so, yes.

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1 Q. There was a bureau?  
 2 A. I believe so, yes.  
 3 Q. Anything else?  
 4 A. Not that I recall.  
 5 Q. Okay.  
 6 Did you observe a safe in there?  
 7 A. There was a safe that was recovered, yes.  
 8 Q. That's not what I asked you.  
 9 A. I didn't observe it at that point.  
 10 Q. Do you know if Monaghan observed the safe  
 11 at that point?  
 12 A. You would have to ask Monaghan.  
 13 Q. I did. I'm asking you.  
 14 A. I don't know what Monaghan observed.  
 15 Q. Okay.  
 16 Did Monaghan say I see something in there.  
 17 We gotta secure it?  
 18 A. I don't remember what Monaghan said.  
 19 Q. All right.  
 20 Do you remember a safe being confiscated at  
 21 that time at 3:50?  
 22 A. I don't know.  
 23 Q. Taken back to 55th and Pine?  
 24 A. I don't remember that, no.

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1 Q. You do not?  
 2 A. I do not.  
 3 Q. You don't remember a safe being taken back  
 4 and being pried open after the 3:50 search?  
 5 A. I don't remember that, no.  
 6 ATTORNEY GONZALES: I'm sorry.  
 7 I'm lost. You're talking about before or  
 8 after the search warrant?  
 9 ATTORNEY PILEGGI: I'm talking  
 10 about at 3:50 when they went there, looked  
 11 in the room --  
 12 ATTORNEY GONZALES: Okay.  
 13 ATTORNEY PILEGGI: -- and used  
 14 the key to open the room and went in.  
 15 ATTORNEY GONZALES: Okay. Before  
 16 the --  
 17 BY ATTORNEY PILEGGI:  
 18 Q. You do not recall a safe being confiscated  
 19 at that time?  
 20 A. I do not.  
 21 Q. Okay.  
 22 Is it fair to say at that point Mr. Torain  
 23 has still not done anything illegal that you have  
 24 any proof that he did anything illegal other than

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1 the observations of Monaghan and perhaps Walker?  
 2 A. Based on what Monaghan and Walker told me  
 3 is the --  
 4 Q. Right. Other than that?  
 5 A. Other than that, no.  
 6 Q. There was no physical evidence confiscated,  
 7 nothing that he did illegal confiscated from him  
 8 when you stopped him, and nothing in this room at  
 9 this point at 3:50?  
 10 A. Correct.  
 11 Q. All right.  
 12 So at some point you go back to -- and,  
 13 again, this is based on what you said, I guess 55th  
 14 and Pine. You think that is where the job was  
 15 written up?  
 16 A. I don't know where he typed it up at.  
 17 Q. Whatever.  
 18 Do you recall going back to that place and  
 19 preparing the paperwork, typing up, doing whatever  
 20 you needed to do to complete this job?  
 21 A. Correct. They did go back with a warrant.  
 22 I'm not sure if I was back there or not, but it  
 23 clearly states here there was a warrant that was  
 24 done at 1:00 am.

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1 Q. 1:00 a.m.  
 2 A. Correct.  
 3 Q. So you went there at 4:00, approximately  
 4 4:00, 3:50 p.m. Then some police officers probably  
 5 Monaghan at least, right?  
 6 ATTORNEY GONZALES: If you know.  
 7 THE WITNESS: Monaghan what?  
 8 ATTORNEY GONZALES: I don't know.  
 9 ATTORNEY PILEGGI: Reynolds-3.  
 10 (At this time, a document was  
 11 marked for identification as Reynolds-3.)  
 12 ATTORNEY GONZALES: Do you have  
 13 an extra copy?  
 14 ATTORNEY PILEGGI: I do not. You  
 15 can look off of that one.  
 16 BY ATTORNEY PILEGGI:  
 17 Q. Okay.  
 18 Does that look like the warrant that was  
 19 prepared for 55th Street?  
 20 A. Yes.  
 21 Q. Okay.  
 22 What's the time on that?  
 23 A. It says 1:00 a.m.  
 24 Q. What's the date?

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BRIAN REYNOLDS

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| <p style="text-align: right;">Page 114</p> <p>1 A. 1/5.</p> <p>2 Q. 1/5 what?</p> <p>3 A. 00.</p> <p>4 Q. Okay.</p> <p>5 We are back to 2000?</p> <p>6 A. Yeah, I guess so.</p> <p>7 Q. Okay.</p> <p>8 ATTORNEY GONZALES: It also has</p> <p>9 as time stamp from the approval of the</p> <p>10 court of 2001.</p> <p>11 ATTORNEY PILEGGI: I realize</p> <p>12 that.</p> <p>13 ATTORNEY GONZALES: Okay.</p> <p>14 BY ATTORNEY PILEGGI:</p> <p>15 Q. Nevertheless, the warrant itself says 2000?</p> <p>16 A. It does.</p> <p>17 Q. And Monaghan signed off on that or prepared</p> <p>18 that?</p> <p>19 A. Yes.</p> <p>20 Q. What does it say was confiscated?</p> <p>21 A. Sentry fire safe, clear bag containing 17</p> <p>22 grams of crack and an amber plastic pill bottle with</p> <p>23 white cap.</p> <p>24 Q. So you don't know who was securing that</p>  | <p style="text-align: right;">Page 116</p> <p>1 district attorney, then you have to call the bail</p> <p>2 commissioner. They were probably in the middle of</p> <p>3 shift change. Then you have to wait for the bail</p> <p>4 commissioner to be available and then go down and</p> <p>5 sign it.</p> <p>6 Q. Is there anywhere on there that determines</p> <p>7 the probable cause to search that house?</p> <p>8 A. There should be another attachment to this.</p> <p>9 Q. There should, but based on that document</p> <p>10 itself?</p> <p>11 A. This is just the front page of the warrant.</p> <p>12 There should be another affidavit.</p> <p>13 Q. Shouldn't there also be badge numbers on</p> <p>14 there as to who participated in the search?</p> <p>15 A. Looks like there are, but you can't figure</p> <p>16 out who it was. You can tell there's something</p> <p>17 there, but you can't make it out though.</p> <p>18 ATTORNEY GONZALES: Because of</p> <p>19 the poor quality of --</p> <p>20 THE WITNESS: Because of the poor</p> <p>21 quality, yes.</p> <p>22 ATTORNEY PILEGGI: There's</p> <p>23 nothing in there. I'm look at it. John,</p> <p>24 please. There's no badge numbers in there.</p> |
| <p style="text-align: right;">Page 115</p> <p>1 unit from 4:00 p.m. to 1:00?</p> <p>2 ATTORNEY GONZALES: Objection.</p> <p>3 Asked and answered. You can answer it</p> <p>4 again.</p> <p>5 THE WITNESS: I do not.</p> <p>6 BY ATTORNEY PILEGGI:</p> <p>7 Q. Okay.</p> <p>8 But it would probably be somebody from the</p> <p>9 NFU?</p> <p>10 ATTORNEY GONZALES: Objection.</p> <p>11 Asked and answered. You can answer it</p> <p>12 again.</p> <p>13 THE WITNESS: Yes.</p> <p>14 BY ATTORNEY PILEGGI:</p> <p>15 Q. Okay.</p> <p>16 Would that be standard practice to have</p> <p>17 someone stand there or sit there, whatever they're</p> <p>18 doing, that period of time while you get a warrant?</p> <p>19 A. Yes.</p> <p>20 Q. Okay.</p> <p>21 Is there any reason why they waited until</p> <p>22 1:00 in the morning? Seven hours later.</p> <p>23 A. Well, he would have to go back, prepare the</p> <p>24 report, then the warrant has to get approved by the</p> | <p style="text-align: right;">Page 117</p> <p>1 THE WITNESS: Because you can't</p> <p>2 make them out.</p> <p>3 ATTORNEY GONZALES: I can't tell</p> <p>4 one way or the other. It's a bad copy.</p> <p>5 THE WITNESS: Horrible.</p> <p>6 BY ATTORNEY PILEGGI:</p> <p>7 Q. But you don't recall being there yourself?</p> <p>8 A. I don't know if I was there or not.</p> <p>9 Q. All right.</p> <p>10 Now, am I correct that Mr. Torain eventually</p> <p>11 went to trial and was tried with all these other</p> <p>12 individuals where they made these seizures from the</p> <p>13 Master Street; do you recall that?</p> <p>14 A. I don't recall if he was tried with all --</p> <p>15 who was all tried together. I don't recall exactly.</p> <p>16 Q. Well, do you remember him being in the same</p> <p>17 trial with all the individuals that were arrested at</p> <p>18 5605 Master, 5607 Master, 5609 Master?</p> <p>19 A. I don't recall it, but like I said, I'm</p> <p>20 sure he was because it was a criminal conspiracy</p> <p>21 charge.</p> <p>22 Q. Okay.</p> <p>23 There was guns, bullet proof vests, several</p> <p>24 guns, assault rifles, bullets, drugs. I mean, there</p>                         |

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| <p style="text-align: right;">Page 118</p> <p>1 was a ton of illegal contraband taken from those<br/>2 units, right?</p> <p>3 ATTORNEY GONZALES: I am going to<br/>4 object. You can answer if you know what<br/>5 was confiscated.</p> <p>6 THE ATTORNEY: I know there was<br/>7 stuff that was recovered. I don't exactly<br/>8 remember what was recovered from each<br/>9 property, though.</p> <p>10 BY ATTORNEY PILEGGI:<br/>11 Q. But the point is that he was charged along<br/>12 with those other individuals that were arrested out<br/>13 of those properties, right?</p> <p>14 A. Yes.</p> <p>15 Q. When I say he, I mean Mr. Torain?</p> <p>16 A. Yes.</p> <p>17 Q. Okay.</p> <p>18 Now, I want to take you back. This case was<br/>19 actually, and I say this case meaning the Torain<br/>20 case, was actually a continuation from another case<br/>21 from one of the -- at least one of the same units on<br/>22 Master Street. Do you recall that? A job that you<br/>23 actually did?</p> <p>24 A. I do not.</p> | <p style="text-align: right;">Page 120</p> <p>1 A. I was.</p> <p>2 Q. You recall that case because that involved<br/>3 a concerned citizen, in fact, the same individual<br/>4 who was identified by Officer Monaghan as the<br/>5 confidential source, right?</p> <p>6 A. I don't know what Officer Monaghan did. I<br/>7 know who that concerned citizen is.</p> <p>8 ATTORNEY GONZALES: Well, hold<br/>9 on. Let's make sure who the record is<br/>10 clear. Did you know who the concerned<br/>11 citizen was for Monaghan?</p> <p>12 THE WITNESS: No.</p> <p>13 ATTORNEY GONZALES: Okay. But<br/>14 you knew who the concerned citizen was for<br/>15 your -- for the Freedman job, correct?</p> <p>16 THE WITNESS: Yes.</p> <p>17 ATTORNEY GONZALES: Just so we<br/>18 are clear.</p> <p>19 ATTORNEY PILEGGI: He wasn't a<br/>20 concerned citizen. Confidential source is<br/>21 --</p> <p>22 THE WITNESS: If you show me what<br/>23 you have, Counsel, I would be able to tell<br/>24 you.</p>                                 |
| <p style="text-align: right;">Page 119</p> <p>1 Q. Okay.</p> <p>2 Do you recall Mr. Freedman? Dennis Freedman<br/>3 case?</p> <p>4 A. I do, yes.</p> <p>5 Q. Okay.</p> <p>6 That was involving 5607 Master Street?</p> <p>7 A. If you're telling me that, yes.</p> <p>8 Q. Okay.</p> <p>9 ATTORNEY GONZALES: Well, do you<br/>10 recall as you sit here today?</p> <p>11 THE WITNESS: I remember the name<br/>12 Dennis Freedman. I don't remember where we<br/>13 did the warrants at.</p> <p>14 ATTORNEY GONZALES: Just answer<br/>15 what he is asking. Don't assume anything<br/>16 that's in the paperwork.</p> <p>17 BY ATTORNEY PILEGGI:<br/>18 Q. So you recall Mr. Freedman because he filed<br/>19 a complaint, right? Internal Affairs.</p> <p>20 A. I recall Mr. Freedman because it was a<br/>21 largely upscale investigation that was done.</p> <p>22 Q. Okay.</p> <p>23 You were the assigned investigator on that<br/>24 case, right?</p>  | <p style="text-align: right;">Page 121</p> <p>1 BY ATTORNEY PILEGGI:<br/>2 Q. No.</p> <p>3 In the Monaghan job it was a confidential<br/>4 source, right?</p> <p>5 A. That's what Monaghan said, yes.</p> <p>6 Q. Do you recall the confidential source in<br/>7 Monaghan's job being the same person as the<br/>8 concerned citizen in your job?</p> <p>9 A. I don't know who Monaghan's confidential<br/>10 source is. You'd have to ask him. But I remember<br/>11 that Freedman job.</p> <p>12 Q. Do you remember the concerned citizen in<br/>13 the Freedman job?</p> <p>14 A. I do.</p> <p>15 Q. Okay.</p> <p>16 This individual gave the same property 5607<br/>17 Master Street, at least one of them, right, as<br/>18 illegal drug activity?</p> <p>19 A. If you're telling me that, then yes.</p> <p>20 Q. Okay.</p> <p>21 Now, do you remember you had a very lengthy<br/>22 testimony that you gave with regards to the Freedman<br/>23 case in federal court; do you recall that?</p> <p>24 A. I remember that, yes.</p> |

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1 Q. Do you remember some of the testimony  
2 focused on who the concerned citizen was; do you  
3 recall that?  
4 A. I don't remember exactly what the testimony  
5 focussed on.  
6 Q. Today as we sit here, do you recall who the  
7 concerned citizen was in your case, in the Freedman  
8 case?  
9 A. I believe I do, yes.  
10 Q. And that was about four months before this  
11 Monaghan job, right?  
12 A. If you're telling me that. I don't  
13 remember the exact date.  
14 Q. Okay.  
15 Well, it was August of 2000.  
16 A. Okay.  
17 Q. Okay.  
18 In that case, do you recall that that  
19 concerned citizen during the whole proceedings all  
20 the sudden became a confidential informant? Do you  
21 recall doing that?  
22 A. I don't remember that, no.  
23 Q. You were the assigned investigator, right?  
24 A. I was.

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1 Q. Okay.  
2 And you were the one handling the  
3 information from the concerned citizen, correct?  
4 A. Correct.  
5 Q. You recall that?  
6 A. Correct.  
7 Q. Do you recall the concerned citizen being  
8 Al?  
9 A. Correct.  
10 Q. Okay.  
11 Al is deceased now, correct?  
12 A. I believe so, yes.  
13 Q. There was extensive testimony about how you  
14 used Al in the drug investigation to assist police  
15 officers in arresting Mr. Freedman; do you recall  
16 that?  
17 A. If you're telling me there was you would  
18 have to show it to me.  
19 Q. Well --  
20 A. I don't remember --  
21 Q. Do you know as we sit here today, that  
22 Monaghan used Al? In other words, the Al gave the  
23 information on the Torain job was the same Al that  
24 gave you information on the Freedman job about the

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1 same unit at 5607 Master?  
2 A. I did not know that.  
3 Q. You did not know that?  
4 A. If it's true.  
5 Q. Okay.  
6 Am I correct that Al was an individual that  
7 you used often?  
8 A. Correct. He provided me with information.  
9 Q. In fact, he would provide you with  
10 information then you would reward Al for the  
11 information by giving him the drug corner after you  
12 arrested the individuals?  
13 A. By giving him the drug corners?  
14 Q. Yeah. Letting him operate and sell drugs.  
15 A. I would not do that, no.  
16 Q. Well, Al was an a known criminal; wasn't  
17 he?  
18 A. I know he was arrested before.  
19 Q. Well, he was a shooter; wasn't he?  
20 A. I don't know. Show he his criminal record  
21 and I'll be able to tell you.  
22 Q. Al committed suicide, didn't he?  
23 A. I heard something along those lines.  
24 Q. You never provided Al, during the Freedman

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1 job, did you?  
2 ATTORNEY GONZALES: Never  
3 provided? What do you mean provided?  
4 BY ATTORNEY PILEGGI:  
5 Q. Al went in along with yourself and sat  
6 along with Mr. Douglas; remember Curtis Douglas was  
7 trying the case?  
8 A. If you tell me that's who it was, then yes.  
9 Q. Do you recall going in with Al because the  
10 court ordered that Al had to give information with  
11 regards to the Freedman arrest; do you recall that?  
12 A. I don't recall that, but if it happened and  
13 you're telling me it happened then it happened.  
14 Q. Do you recall signing Al up as a  
15 confidential informant after the Monaghan case but  
16 before the Freedman case went to trial somewhere in  
17 2001/2002?  
18 A. If you're telling me he was signed up, then  
19 I would have to see the document to see if it is  
20 true or not.  
21 ATTORNEY GONZALES: The question  
22 is do you remember.  
23 THE WITNESS: I don't remember if  
24 he was signed up.



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1 ATTORNEY GONZALES: That's fine.  
2 That's your answer. You don't remember.  
3 BY ATTORNEY PILEGGI:  
4 Q. You don't recall him being signed up at any  
5 time?  
6 A. After this case?  
7 Q. Any time.  
8 A. I don't remember. You would have to show  
9 me the paperwork.  
10 Q. Well, that's just it. We don't have any.  
11 You don't recall Al being signed up at any point?  
12 A. I don't remember that.  
13 Q. Okay.  
14 Do you recall the court telling you you had  
15 to produce Al?  
16 A. I don't remember that either. If you're  
17 telling me it happened, then --  
18 Q. Okay.  
19 And Al helped you participate in drug  
20 investigations, correct?  
21 A. He gave information, yes.  
22 Q. No, not just gave investigation. He  
23 actually participated.  
24 A. I don't understand what you mean by

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1 participate.  
2 Q. Do you recall using Al's van to do  
3 surveillance?  
4 A. I don't recall that, no.  
5 Q. That would be illegal; wouldn't it?  
6 A. I don't know if it's illegal. I don't  
7 recall it.  
8 Q. It would be violating the police policies;  
9 wouldn't it?  
10 A. Policies as far as what?  
11 Q. Officer?  
12 A. I'm asking you what policy.  
13 Q. Can you use a citizen's van to do police  
14 investigations?  
15 A. I don't remember doing that.  
16 Q. Could you use a citizen's telephone to call  
17 perspective dealers?  
18 A. If that person was participating in an  
19 investigation and they wanted to make a phone call  
20 to get a dealer to a location, then, yeah, you can  
21 do it. It's been done before.  
22 Q. You could use -- that's not what I'm asking  
23 you?  
24 A. Not me use it. The individual whose phone

1 it is used it to order up drugs.  
2 Q. But I'm asking you a different question.  
3 Could you use?  
4 A. Me? Myself?  
5 Q. Yes.  
6 A. No, I would never do that.  
7 Q. Well, that's not what I asked you.  
8 ATTORNEY GONZALES: He said no, I  
9 would never do that.  
10 ATTORNEY PILEGGI: Okay. That  
11 would be illegal, right?  
12 ATTORNEY GONZALES: The answer  
13 was no, I would never do that.  
14 BY ATTORNEY PILEGGI:  
15 Q. That would be illegal, right?  
16 A. I don't know if it's illegal, but I would  
17 never do that.  
18 Q. You've never been trained to do that,  
19 right?  
20 A. Trained to do what? Use a phone?  
21 Q. No, to use a citizen's phone, van, whatever  
22 you want --  
23 A. I would never do that, no.  
24 Q. -- in a police investigation?

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1 A. Correct.  
2 Q. And it's your testimony that you never had  
3 Al participate in any way other than give you  
4 information?  
5 A. Correct.  
6 Q. All right.  
7 ATTORNEY PILEGGI: I want to note  
8 for the record that Mr. Walker is sitting  
9 here. I will provide you -- give me a  
10 second.  
11 If we could mark this as Reynolds-4.  
12 (At this time, a document was  
13 marked for identification as Reynolds-4.)  
14 BY ATTORNEY PILEGGI:  
15 Q. All right.  
16 Officer, I want to show you what has been  
17 marked as Reynolds-4. I will submit to you that's  
18 an affidavit from Jeffrey Walker. Jeffrey Walker  
19 was involved in the Torain case.  
20 By the way, do you recall Jeffrey Walker  
21 being involved in the Freedman case?  
22 A. I don't know if he was or not.  
23 Q. Okay.  
24 If you want to take a second to review that.

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1 I don't know if you have seen that before. Have you  
2 ever seen that document before?  
3 A. I have not.  
4 Q. All right.  
5 ATTORNEY GONZALES: This is a  
6 case number. What case is that?  
7 ATTORNEY PILEGGI: Freedman case.  
8 ATTORNEY GONZALES: Can we go off  
9 the record for a second.  
10 (At this time, a discussion was  
11 held off the record.)  
12 ATTORNEY GONZALES: Back on the  
13 record.  
14 So we had a little conversation off the  
15 record. This document which has been  
16 marked Reynolds-4 is an affidavit purported  
17 to be signed by Jeffrey Walker in a federal  
18 criminal case.  
19 The affidavit is dated May 15th 2017. It  
20 pertains to my client. It also pertains to  
21 this Freedman that plaintiff's counsel has  
22 been asking questions about.  
23 Apparently based on those questions it  
24 appears that counsel thinks there's some

1 irrelevant.  
2 It is served only for the purpose of  
3 harassing this witness and I think it's  
4 inappropriate.  
5 ATTORNEY PILEGGI: Okay.  
6 ATTORNEY GONZALES: Do you intend  
7 to ask him questions about the affidavit?  
8 ATTORNEY PILEGGI: Yes.  
9 ATTORNEY GONZALES: All right.  
10 We will adjourn and I will talk to my  
11 client and we will decide what we are going  
12 to do next.  
13 I'll call you back, Joe.  
14 ATTORNEY SENGODA: All right.  
15 (At this time, a discussion was  
16 held off the record.)  
17 ATTORNEY GONZALES: We can go  
18 back on the record.  
19 We took a break off the record. I reviewed  
20 this affidavit that was provided to me for  
21 the first time by plaintiff's counsel in  
22 this case and I have concerns about the  
23 contents of the affidavit which was  
24 apparently submitted by Jeffrey Walker.

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1 link between this Freedman case and  
2 Mr. Torain's case.  
3 I have never been provided with a copy of  
4 this affidavit. Mr. Walker certainly never  
5 provided it to me and he is a party in this  
6 case.  
7 Plaintiff's counsel has had possession of  
8 this document but has not provided me a  
9 copy of it. He is now attempting to ask  
10 the witness questions.  
11 We have a couple options here. We can  
12 adjourn the deposition and allow me to  
13 review this affidavit with my client at  
14 which time we will decide whether we will  
15 continue or we will move on.  
16 I've given you a lot of leeway on asking  
17 about this other Freedman case. But it's  
18 not relevant to this case. It is not  
19 germane.  
20 Mr. Freedman is not a plaintiff in this  
21 case. And this case was not Officer  
22 Reynold's case. It's Officer Monaghan's  
23 case. So the more questions we're asking  
24 about another case, I think it's

1 We are going to adjourn the deposition at  
2 this time. I asked counsel if there are  
3 any other documents or materials he has  
4 that were not produced in discovery that he  
5 intends to use in deposing my client.  
6 If he has any I ask he provide them to me.  
7 Otherwise we will provide additional dates  
8 to reschedule the deposition.  
9 We are adjourned.

10 (Deposition adjourned at  
11 12:43 p.m.)  
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I, KIMBERLY CHATBURN, Professional Court Reporter and Notary Public, do hereby certify that the foregoing is a true and accurate transcript of the stenographic notes taken by me in the aforementioned matter.

Kimberly Chatburn

KIMBERLY CHATBURN  
Pa Notary No. 1266273

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I, BRIAN REYNOLDS, do hereby certify that I have read the foregoing pages, and that the same is a correct transcription of the answers given by me to the questions therein propounded, except for the corrections or changes in form or substance, if any, noted in the attached Errata Sheet.

16 Subscribed and sworn to before me.  
17 My commission expires March 23, 2024.

21 Kimberly Chatburn  
22 Notary Public

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please read your deposition over carefully and make any necessary corrections. You should state the reason in the appropriate space on the errata sheet for any corrections that are made.

After doing so, please sign the errata sheet and date it.

You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition.

It is imperative that you return the original errata sheet to deposing attorney within thirty (30) days of receipt of the deposition transcript by you. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court.

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| SUBJECT<br>P/O BRIAN MONAGHAN #6061 |   | CLASSIFICATION<br>NARCOTICS |                          | CODE<br>1807 |
| INVESTIGATOR<br>P/O BRIAN MONAGHAN  |   | PAGE NUMBER<br>6061         | PAYROLL NUMBER<br>201073 |              |

CONTINUATION OF SEARCH AND SEIZURE WARRANT #99029

P/O Monaghan #6061, Received Detailed Information From A Confidential Source And 19<sup>th</sup> District Police Officers, P/O Ronald Cain #4959 & P/O Joseph Goglielmiucci #2560, Referring To Drug Activity Involving The 5600 Blk Of W. Master St. Listed Locations 5609 W. Master St, Abandoned Property Narcotics Being Packaged In This Location. 5607 W. Master St Being Used As A Stash House, Containing Marijuana, Crack, And Weapons. 5605 W. Master St, Narcotics Sold From Front Porch Area. Also A B/M Name "Al", And A B/M By The Name Of "Pud".

On Tuesday, 1-2-01, At Approximately 3:45 Pm, P/O Monaghan #6061 & P/O Kelly #7126, Set Up A Surveillance In The Area Of 5600 W. Master St. P/O Monaghan #6061 Observed #1 B/M (later I'd as Anthony Hodge) Wearing A Blk Down Jacket & Gray/Black B/B Cap 5'8 Med Compl 20's, And #2 B/M (Later I'd as Darnell DeLEE) Blk Jacket W/Fur Around Hood, 5'8 Med Compl 20's W/Red Wool Knit Skull Cap, Standing On The Porch Of 5605 W. Master St. At Approx: 3:45 Pm HODGE Knocked On The Front Door Of 5605 W. Master St, Unk B/M Opened The Door And Handed HODGE A Golf Ball Size Object, HODGE Then Handed DeLEE Objects From The Golf Ball Size Object. Between 3:45 Pm & 5:30 Pm, HODGE and DeLEE On Different Occassions Would accept Unk Amounts Of Use From Unk B/M's & Unk B/F's In Exchanged For Small Packets They Retrieved From Their Persons. At Approximately 5:12 Pm A Gray Olds Veh Stopped In The 5500 Blk Of W. Master St, And Passenger Exited The Veh And Walked Towards The N/W Corner Of 56 & Master St, After A Brief Conversation With both HODGE and DeLEE They Walked The Unk B/M Into 5607 W. Master St. After About 10 Minutes The Unk B/M Exited The Location, P/O Monaghan #6061 Observed The B/M Place A Large Clear Bag Containing A Grn Weed Substance Into A Blk Bag He Was Carrying. At This Time #2 B/M Went To 5609 W. Master St Removed Use From His Jacket Pocket, Opened The Front Door And Placed The Use Into That Property. The Unk B/M Walked To The Corner Where The Olds Veh Picked Him Up And Then Left The area. The Veh Was Followed By Members From The Nfu To 4700 Blk Of Merion Ave. 2 Unk B/M Occupants Exited The Veh, Passenger Carrying The Blk Bag Then Entered 700 Merion Ave. HODGE Then Entered 5605 W. Master St.

On Wednesday, 1-3-01 At Approximately 11:00 Am, P/O Monaghan #6061 & P/O Kelly #7126, Set Up A Surveillance For The Locations Of 5605, 5607 & 5609 W. Master St. At Approx. 11:31am Police Observed A Dark Colored Buick Pa Tag Dkd2171 (Which Is Registered To Glenn Lee 5607 Master St) Operated By A DeLEE Wearing Blk Down Jkt, W/Red Wool Knit Skull Cap, Park In Front Of 5605 Master St. At Approx. 11:32 Am DeLEE Received A A Golf Ball Size Object Cont Dark Colored Objects Out The Front Door Of 5605 Master St. Between 11:30 Am And 11:58am B/M #2 Gives Numerous B/M's And Female Small Dark Objects From Inside Of A Clear Baggie That He Was Holding On His Person Inexchange For Use.

At Approx. 11:58am A B/M (Later I'd As Migel MOON, PFN#817626) Wearing Dark Jacket, Blue & White Titans Ball Cap Exits 5605 Master St And Hands Small Objects To A B/M Wearing A Tan Jacket In Exchange For Use. MOON Then Goes Onto The Porch Of 5607 And Counts Green Packets That Are Inside A Clear Baggie That He Retrieved From His Person. MOON Then Gives Numerous Of These Packets To 2

|           |           |                          |
|-----------|-----------|--------------------------|
| SIGNATURE | SIGNATURE | EXHIBIT<br>1<br>Rupoldts |
|           |           |                          |

NFU 07476

99029-199-008 CVD



Males And 1 Female In Exchange For Use. MOON Then Places The Bundle In His Right Pocket.

At Approx. 2:22pm HODGE Wearing A Blk Averix Jkt Exited 5607 Master St And Gives B/M Wearing Black Jacket, Blue And White Plaid Shirt Small Object In Exchange For Use.

At Approx. 2:26pm MOON Takes From His Person The Clear Baggie Mentioned Earlier That Cont Green Packets And Hands Them To B/M #2. MOON Then Gets Into The Passenger Side Of A Dark Colored Olds Pa Tag Bzr 4983 (Which Comes Back To A Mazda) And Leave N/B On 56<sup>th</sup> St.

Between 2-3:00pm Kabeyn DIGGS Wearing A Black Jacket, Red Shirt And Base Ball Cap Parked A Older Model Subaru Station Wagon Pa Tag CDP3580 On The N/W Corner Of 56<sup>th</sup> And Master. This B/M Exited Carrying A Green Timberland Shoe Box And Went In 5605 Master St. This B/M Exited A Short Time Later And Left In The Subaru.

At Approx. 3:56pm DeLEE Was Observed Giving (2) B/F's Small Objects In Exchange For Use In The Rear Of The Store On The N/E Corner Of 56<sup>th</sup> And Master St.

At Approx. 3:58pm P/O Mitchell #4145 Went To That Corner To Attempt To Make A Controlled Narcotics Purchase From DeLEE P/O Mitchell Met DeLEE Inside Of The Store And Engaged In Narcotics Related Conversation After Which DeLEE Told P/O Mitchell To Stay Inside. DeLEE Exited The Store Walked To The Rear Of The Store And Removed Small Objects From His Person. DeLEE Then Opened The Backdoor Of The Store And Called P/O Mitchell #4145 Outside. DeLEE Handed P/O Mitchell These Small Object In Exchange For 20.00 Pre-Recorded Buy Money. P/O Mitchell Left And Turned Items Purchased (4 Black Tinted Heat Sealed Packets Cont A White Chunky Substance) To Over To P/O Monaghan. A Majority Of Observation On 1/3/01 Were Video Taped By P/O Kelly #7126 And P/O Monaghan #6061.

On 1/4/00 P/O Kelly #7126 And P/O Monaghan Set Up A Surveillance Of 56<sup>th</sup> And Master St. At Approx. 1:41 PM Police Observed A Green Bonneville Pa Tag Dkc3310 Registered Carolyn Gillis) Travel N/B On 56<sup>th</sup> St To The Intersection Of 56<sup>th</sup> And Master. At This Time Delee Who Was Standing On Steps Of 5605 Master St Made Hand Gesture Toward The Bonneville And Yelled, "Yo". At This Time The Bonneville Traveled W/B On Master St And Turned N/B Onto Ithan St. At This Time Delee Ran W/B To Ithan St And Entered The Passenger Side Of The Bonneville. Delee Exited After Approx 2-3 Mins And Ran Back To The Corner Of 56<sup>th</sup> And Master. The Bonneville Who Was Being Operated By A B/M Later I'd As Kareem Torian Was Followed Back To 1621 N. Conestoga St By P/O Walker #3730 Where Police Observed Torain Exit His Vehicle And Enter 1621 Conestoga. Police Observed Delee Go Immediately Go Back To The Corner Of 56<sup>th</sup> And Master And Give Small Objects Which He Retrieved From His Pocket To Numerous Males And Females In Exchange For Use.

At Approx. 1:43 PM Police Observed The Sebring Travel W/B On Master St Being Operated By Christina Brax Stop In Front Of 5607 Master St. Anthony Hodge Exited The Passenger Side And Entered Into 5607 Master St With A Key. Hodge Was Observed On Numerous Occasions Entering And Exiting 5607 Master St With A Key On 1/4/01.

At Approx. 1:55pm P/O Kelly Overheard Delee Who Was Standing On The Southeast Corner Of 56<sup>th</sup> And Master St Tell Kabeyn Diggs That Kareem (Operator Of The Green Bonneville) Only Had A Bundle On Him And Would Call When The Rest Was Ready.

At Approx. 2:00pm P/O Reynolds #4268 Observed Torain Exit 1621 S. Conestoga And Travel W/B On Hunter St In The Bonneville To The S/W Corner Of 55<sup>th</sup> And Hunter

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his Point Torain Exited His Vehicle And Entered Into 1628 N 55<sup>th</sup> St With

c. 2:05pm Police Observed Delee Answer The Pay Phone On The N/W Corner of Master St The Jog To The Buick ( Mentioned On 1/3/00) Along With Arthur Tilman. P/O Walker Followed Them To 55<sup>th</sup> And Hunter St. Where he saw The Car On 55<sup>th</sup> St. All These Males Exited The Buick And Were Into 1628 S. 55<sup>th</sup> St By Torain. After Approx. 20 Mins All Three Males ( Tilman, Diggs) Exited 55<sup>th</sup> St, With Delee Placing A Clear Bag Inside Of The Car. All Three Males Go Into The Buick And Were Followed Back To 56<sup>th</sup> And P/O Reynolds. P/O Walker Remained At 55<sup>th</sup> And Hunter Watching 1628 55<sup>th</sup>

c. 2:35pm Police Observed Hodge Exit 5607 Master St And Go Into A Red Breeze Delaware Tag D4398 And Take Unknown Objects From Inside Of The Trunk. Hodge Then Walked Back To Into 5607 Master St.

c. 2:37pm Police Observed The Buick Park On The East Side Of 56<sup>th</sup> St North Of Master. All Three Males Exited The Vehicle And Walked To The Porch Of 5607 Master St.

c. 2:37pm Police Observed Delee Hand Bundles To Moon, Freeman, Hodge And Tilman Placed A Clear Baggie Cont Numerous Green Tinted Packets In His Right Pocket. Delee Then Was Observed Giving These Small Green Packets To The People In Exchange For Use. Police Observed Moon, Freeman, Hodge, Diggs, And Tilman Were Observed Giving Males And Females Small Objects In Exchange For

c. 2:58pm Torain Left 1628 N. 55<sup>th</sup> St And Left The Area In His Vehicle. P/O Reynolds #4268 Followed This Vehicle Out Of The Area And With The Aid Of Uniform Vehicles Stopped Torain At 61<sup>st</sup> And Nassau St And Placed Him Under Arrest. Recovered From Him Was (1) Pager, (1) Nextel Cell Phone, (1) Key Ring Cont 5 Keys, (1) Black Key Ring Cont 3 Keys ( One Was Later Determined To Work The Door Of 1628 N. 55<sup>th</sup> St And Apt #2 Inside), 250.00 Use.

c. 3:05pm A Green Bonneville Pa Tag Dnz7857 Operated By Raymond Howard The Passenger Seat Was A B/M Later I'd As Maurice Grey , Parked On The East Side Of 56<sup>th</sup> St Just North Of Master St. Both Males Exited The Vehicle And Went To The Porch Of 5605 Master St, Where Delee Handed Howard A Large Amount Of Cash. All Males Walked To The N/W Corner Of 56<sup>th</sup> And Master St.

c. 3:13pm Delee, Freeman Got Into The Buick ( Mentioned Earlier ) And Left The Area N/B On 56<sup>th</sup> St.

c. 3:17pm A Marked Police Vehicle Stopped In The Middle Of 56<sup>th</sup> And Hunter St And Activated Lights And Sirens On The Vehicle . At This Time Grey, Diggs Got Into The Bonneville And Left N/B At A High Rate Of Speed. A B/P Got Into The Breeze And Left The Area S/B On 56<sup>th</sup> St At A High Rate Of Speed. P/O Kelly Notified Backup As To Description And Direction Of The Vehicles And Occupants. P/O Fitzgerald #2228 And P/O Francis #3981 Stopped The Bonneville On 1400 N Alison St. Recovered From Howard Was (2) Bundles Of Cash One Was 585.00 Use And The Other Was 553.00 Use. Recovered From Diggs Was A Cell Phone, 313.00 Use, (14) Blue Oval Pills ( Alleged Xanax), Recovered From Freeman Was (1) Clear Bag Cont (112) Blue Oval Pills (Alleged Xanax), (1) Clear Bag Cont (14) Yellow Tinted Ziplock Packets Cont A White Chunky Substance, 68.00 Use .

P/O Reynolds #4268 And P/O Walker #3730 Stopped The Breeze At 56<sup>th</sup> And Market St. Delee Was Placed Under Arrest And Recovered From Him Was (5) Blue Tinted Packets Cont A Green Weed Substance And (1) Key Ring With (3) Keys One Of Which Was Later Determined To Work The Door At 5607 Master St.

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At Approx. 3:27pm Darnell DeLee And Anthony Freeman 1 S/B Down 56<sup>th</sup> St From Media And Onto The Porch Of 560 Master St And Yelled "Yo The Cops Got Them And They're Coming" At This Time Moon, Bichonot And Tillman Ran Out The Front Door Of 505 Master St. All Five ( Moon, Bichonot, Tillman, Freeman, And DeLee) Then Proceeded To Run N/B On Ithan St P/O Kelly Notified Backup As To Description And Direction Of All 5 Males. P/O Walker #3730 Stopped Freeman And Bichonot At Frazier And Media St. Recovered From Freeman Was 106.00 Usc And His Black Jacket With Fur Collar. Recovered From Bichonot Was His Red Leather Jacket With "Player" Written On The Front. P/O Fitzgerald #2228 Stopped Tillman, And DeLee At Frazier And Media St. Recovered From DeLee Was (1) Key Ring That Cont (7) Keys, One Of Which Worked The Front Door Of 5705 Master St And Another Worked The Padlock On The Door Going Into The Second Floor Rear Bedroom And 2 Bundles Of Money One Cont 850.00, 20.00 of which was pre-recorded buy money used by p/o Mitchell on 1/3/00 And The Other Cont 280.00 Usc. Moon Was Lost In Area.

At Approx. 3:50pm Members Of Narcotics Went To 1628 N. 55<sup>th</sup> St To Attempt To Secure The Apartment That Torain Went Into. P/O Kelly Spoke With The Manager Of The Property Vincent Saunders In Reference To A B/M Who Rented A Room Inside. Mr Saunders Stated That He Knew A B/M Light Complexion, Heavy Build And Light Beard Who Drove A Green Bonneville With Tinted Windows And Shiny Rims Lived In Apt #2. This Male Had Young Males Entering And Exiting His Room Frequently. At This Point The Owner Of The Property Vincent Saunders Showed Up And Stated That No One Had Rented Apt #2 And No One Had Permission To Be Inside Of The Property. P/O Monaghan #6061 Tried One Of The Keys From Torains Key Ring In The Lock At Apt #2 And It Opened The Lock. The Owner Again Stated That No One Had Rented The Apt And No One Had Permission To Be Inside. The Apt Was Secured Pending Search And Seizure Warrant.

On 1/4/00 at approx. 3:30PM members of narcotics executed search and seizure warrant #'s 99025, 99026, 99027 at 5605, 5607, 5609 Master St AND HAD TO FORCEABLY GAIN ENTRY INTO ALL PROPERTIES.

Inside 5605 Master st Glenn LEE was stopped in the living room area and placed under arrest. Recovered from inside 5605 Master St second floor rear bedroom (which had a padlock on the door) in the closet (1) Blue Ballistic Vest, on the dresser (1) clear bag cont (1) clear baggie cont (63) green tinted ziplock packets cont a white chunky substance, (1) clear baggie cont (53) green tinted ziplock packets cont a white chunky substance, (1) clear baggie cont (31) Clear tinted ziplock packets cont a white chunky substance, (1) clear baggie cont (30) clear tinted ziplock packets cont a white chunky substance ( a gram total of 177 packets and approx. weight 17.7 grams), (1) box cont numerous live 45 Cal and 40 cal bullets, (1) clear baggie cont numerous new and unused green tinted packets, (1) receipt from first judicial dist Pa, in name of Darnell DeLEE. Recovered from first floor numerous pieces of mail in name of glenn DeLEE and Darnell DeLEE.

Inside 5707 Master St Eileen hedges was stopped and placed under arrest by P/O Salazka #7481. recovered from inside a drawer in the living room was 268.00. recovered from the basement was (1) Black AR 15 .22cal assault rifle, empty magazine serial #A774130, sawed off butt (1) black AR22 .22cal assault rifle, empty magazine, serial#021088, sawed off butt (1) 12 gauge pump shotgun, no serial # saw off barrel and butt sawed off, and (1) baggie cont various caliber live rounds. recovered from Anthony hedges second floor middle bedroom was (1) clear baggie cont (76) blue tinted heat sealed ziplock packets cont a green weed

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NFU 07479



substance and (1) ziplock bag cont a white chunky substance ( approx. 11.5 grams alleged crack cocaine)

Inside 5609 Master St. (5) green tinted ziplock packet heat sealed cont a green weed seed substance, numerous new and unused black tinted packets, and 3 boxes cont various live rounds .

On 1/5/00 P/O Monaghan #6061 obtained search and seizure warrant #99028 approved by Judge Albritton and signed by bail commissioner Polkoff.

Inside 1628 N. 55<sup>th</sup> St apt #2 at approx. 1:00AM members of narcotics executed search and seizure warrant #99028. recovered from inside in bed frame was a sentry safe cont (2) amber pill bottles with white tops and (3) bags tied in net on top cont a white chunky substance ( a total of approx. 17 grams of crack cocaine).

ADDITIONAL INFORMATION FOR SEARCH & SEIZURE WARRANT # 99029 FOR A 1986 BUICK SABRE CP / BLK PA TAG (DKD-2171) VIN# 1G4HR37L0GH424098, OPERATOR (DARNELL ALLEE) WAS OBSERVED BY POLICE OPERATING THE VEHICLE WITH KEYS. AT TIME OF ARREST KEYS NOT LOCATED. VEHICLE IN POLICE CUSTODY AT THIS TIME.

P/O Monaghan #6061, I Your Affiant REQUEST A DAYTIME SEARCH WARRANT ON THE LISTED VEHICLE.

SIGNATURE OF AFFIANT \_\_\_\_\_ BADGE \_\_\_\_\_ DISTRICT \_\_\_\_\_

TO: TO (OR AFFIANT) AND SUBSCRIBED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2001.

SIGNATURE OF ISSUING AUTHORITY \_\_\_\_\_

DATE COMMISSION EXPIRES: \_\_\_\_\_

| PERSON    | NAME | WHEEL | LEUTENANT | RANK | PAROLE |
|-----------|------|-------|-----------|------|--------|
| SIGNATURE |      |       | SIGNATURE |      |        |

NFU 07480

|   |  |  |         |                    |      |
|---|--|--|---------|--------------------|------|
| <b>PROPERTY RECEIPT</b><br><input type="checkbox"/> LOST AND FOUND<br><input type="checkbox"/> FOR INVESTIGATION<br><input type="checkbox"/> PERSONAL PROPERTY FOR SAFEKEEPING<br><input checked="" type="checkbox"/> <b>EVIDENCE</b> |  | FROM WHOM  |         | NO. <b>2308207</b> |      |
|   |  | KAREN TORAIN   |         | M                  |      |
| ADDRESS   |  | DATE   | TIME    | DISTRICT           | UNIT |
| 1621 S. CONNESTOGA ST.  |  | 1/4/01   | 3:30P M | NS                 | P2SW |
| OWNER (If Known)  |  | LAB USER FEE REQUESTED                                   |         | RC NO.             |      |
| ADDRESS   |  | <input type="checkbox"/> YES <input type="checkbox"/> NO |         | 98-19-698          |      |
| DEFENDANT'S NAME  |  | SEIZURE NO.  |         |                    |      |
| REFER TO 75249  |  | EVIDENCE CUST.   |         |                    |      |

ITEMS OF PROPERTY AND CIRCUMSTANCES UNDER WHICH IT WAS RECEIVED INCLUDING THE EXACT LOCATION TAKEN FROM:

- EVIDENCE:** ITEM #1-(1) KEY RING CONT. (3) SILVER KEYS--(1) KEY WORKED THE DOOR TO 1628 S. 55TH ST. APT. "2"  
 ITEM #2-(1) CANCER KEY RING CONT. (5) KEYS. ITEM #5-(1) COMMONWEALTH OF PA BOARD OF PROBATION & PAROLE IN THE NAME OF DEF.  
 ITEM #3-(1) PHILLIPS PAGE MART PAGER.  
 ITEM #4-(1) MOTOROLA NEXTEL CELL PHONE.
- CIRCUMSTANCES:** ON 1/4/01 AT APPROX. 3:05PM THE ABOVE DEF. WAS ARRESTED FOR NARC. VIOLATIONS THAT OCCURRED OUTSIDE 3600 MASTER ST. CONFIS. WAS THE ABOVE ITEMS.
- FIELD TEST:** NONE
- CASE#:** SF-007.  
01

|  |  |   |  |
|--|--|---|--|
| If the person from whom the above amount of money and/or property was taken does not sign below, state reason why:<br><br>PERSON FROM WHOM TAKEN (Signature)<br>UNABLE TO SIGN<br>WITNESS SIGNATURE<br>SGT. GESSNER 183065 |  | <b>RECEIVED BY POLICE DEPARTMENT</b><br><br>Arresting or Receiving Officer: (If personal property for safekeeping, Desk Supervisor is the Receiving Officer)<br>SIGNATURE<br>PO. KINAGHAN 201073<br>BADGE NO. (Type)<br>6061 6061 |  |
|--|--|---|--|

**TRANSFERRED TO EVIDENCE CUSTODIAN/COLLECTOR**

I hereby acknowledge receipt of the above listed items.

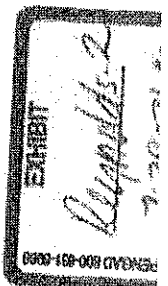
|        |        |                                 |
|--------|--------|---------------------------------|
| (Date) | (Time) | (Evidence Custodian/Collection) |
|--------|--------|---------------------------------|

**RELEASE FROM CUSTODY OF POLICE DEPARTMENT**

This will acknowledge the receipt from the Police Department of the City of Philadelphia of the amount of money and/or property listed above, and will constitute the release of the City of Philadelphia and its agencies from any and all future responsibility therefor.

|  |   |
|--|---|
| <input type="checkbox"/> Returned to Owner or Agent<br><input type="checkbox"/> Confiscated by Court | <b>RECEIVED BY (Owner or Agent)</b><br>OWNER OR AGENT (Signature) |
|--|---|

NFU 07462



|   |  |  |  |  |                            |                     |
|---|--|--|--|--|----------------------------|---------------------|
| <b>PROPERTY RECEIPT</b><br><br><input type="checkbox"/> LOST AND FOUND<br><br><input type="checkbox"/> FOR INVESTIGATION<br><br><input type="checkbox"/> PERSONAL PROPERTY FOR SAFEKEEPING<br><br><b>XXX EVIDENCE</b> | FROM WHOM TAKEN<br><b>KAREEN TORALIN</b> |  | SEX<br><b>M</b>  |  | NO<br><b>2308208</b>       |                     |
|   | ADDRESS<br><b>1621 S. CONNESTOGA ST.</b> |  | DATE<br><b>1/4/01 3:05PM</b>   |  | DISTRICT<br><b>NB</b>      | UNIT<br><b>F2SW</b> |
|   | OWNER (If Known)<br><br>ADDRESS<br><br>  |  | LAB USER FEE REQUESTED<br><input type="checkbox"/> YES <input type="checkbox"/> NO |  | DO NO.<br><b>00-19-698</b> |                     |
|   | DEFENDANT'S NAME<br><b>SAME</b>          |  | BULK OF PROPERTY STORED AT<br><b>EVIDENCE CUST.</b>                                |  |                            |                     |

ITEMS OF PROPERTY AND CIRCUMSTANCES UNDER WHICH IT WAS RECEIVED INCLUDING THE EXACT LOCATION TAKEN FROM

- EVIDENCE: (7).....TENTIES.....\$140.00  
(4).....TENS.....\$40.00  
(10).....FIVES.....\$50.00  
(20).....ONES.....\$20.00  
TOTAL.....\$250.00
- CIRCUMSTANCES: ON 1/4/01 AT APPROX. 3:05PM THE ABOVE DEF. WAS ARRESTED FOR NARC. VIOLATIONS THAT OCCURRED OUTSIDE 5600 MASTER ST. CONFS. WAS THE ABOVE USC.
- CASE#: SF-00-007.

If the person from whom the above amount of money and/or property was taken does not sign below, state reason why:

PERSON FROM WHOM TAKEN (Signature)

UNABLE TO SIGN

WITNESSED BY  
SGT CLASNER 189065

BADGE NO. (Type)  
8771

#### RECEIVED BY POLICE DEPARTMENT

Arresting or Receiving Officer: (If personal property for safekeeping, Dept. Supervisor is the Receiving Officer)

SIGNATURE  
TO MONAHAN 201073

BADGE NO. (Type)  
6061 6061

#### TRANSFERRED TO EVIDENCE CUSTODIAN/COLLECTOR

I hereby acknowledge receipt of the above listed items.

(Date)

(Time)

(Evidence Custodian/Collection)

#### RELEASE FROM CUSTODY OF POLICE DEPARTMENT

This will acknowledge the receipt from the Police Department of the City of Philadelphia of the amount of money and/or property listed above, and will constitute the release of the City of Philadelphia and its agencies from any and all future responsibility therefor.

- ☐ Returned to Owner or Agent  
☐ Confiscated by Court

RECEIVED BY (Owner or Agent)

OWNER OR AGENT (Signature)

NFU 07463



|  |  |                                   |  |  |        |                          |      |
|--|--|-----------------------------------|--|--|--------|--------------------------|------|
| <b>PROPERTY RECEIPT</b>  |  | FROM WHOM TAKEN                   |  | AGE  | SEX    | NO                       |      |
| <input type="checkbox"/> LOST AND FOUND<br><input type="checkbox"/> FOR INVESTIGATION<br><input type="checkbox"/> PERSONAL PROPERTY FOR SAFEKEEPING<br><input checked="" type="checkbox"/> EVIDENCE  |  | KAREN TORAIN                      |  | 23   | M      | 2308210                  |      |
| ADDRESS  |  | 1621 S. CONNESTOGA ST.            |  | DATE   | TIME   | DISTRICT                 | UNIT |
|  |  |                                   |  | 1/4/01   | 3:30PM | Nb                       | F2SW |
| OWNER (If Known)   |  | CAROLYN GILLIS                    |  | LAB USER PER REQUESTED   |        | DO NO.                   |      |
| ADDRESS  |  | 107 VERLINDON AVE. DARBY PA 19023 |  | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO  |        | 01-19-698                |      |
| DEFENDANT'S NAME   |  | REFER TO 75-49                    |  | PLACE OF PROPERTY STORED AT  |        | SECURE NO.               |      |
|  |  |                                   |  | AUTO FOUND   |        |                          |      |
| ITEMS OF PROPERTY AND CIRCUMSTANCES UNDER WHICH IT WAS RECEIVED INCLUDING THE EXACT LOCATION TAKEN FROM<br>1. EVIDENCE: 1995 PONT. SDN. (PAINTED GREEN) PA #DKC3310 VI #1G2HXS2K4S4240131.<br>2. CIRCUMSTANCES: ON 1/4/01 AT APPROX. 3:30PM THE ABOVE AUTO WAS CONFIS. FROM THE ABOVE DEF. DURING THE COURSE OF NARC. INVEST. AT 5600 MASTER ST.<br>3. CASE#: SF-01-007. |  |                                   |  |  |        |                          |      |
| If the person from whom the above amount of money and/or property was taken does not sign below, state reason why:   |  |                                   |  | <b>RECEIVED BY POLICE DEPARTMENT</b><br>Arresting or Receiving Officer: (If personal property for safekeeping, Desk Supervisor is the Receiving Officer) |        |                          |      |
| PERSON FROM WHOM TAKEN (Signature)<br>UNABLE TO SIGN   |  |                                   |  | SIGNATURE<br>PO MONAHAN 201073   |        | BADGE NO. (Type)<br>6061 |      |
| WITNESS (Signature)<br>SGT. GESSNER 19065  |  |                                   |  | BADGE NO. (Type)<br>8771   |        | BADGE NO. (Type)<br>6061 |      |
| <b>TRANSFERRED TO EVIDENCE CUSTODIAN/COLLECTOR</b><br>I hereby acknowledge receipt of the above listed items.  |  |                                   |  |  |        |                          |      |
| (Date)   |  | (Time)                            |  | (Evidence Custodian/Collector)   |        |                          |      |
| <b>RELEASE FROM CUSTODY OF POLICE DEPARTMENT</b><br>This will acknowledge the receipt from the Police Department of the City of Philadelphia of the amount of money and/or property listed above, and will constitute the release of the City of Philadelphia and its agencies from any and all future responsibility therefor.  |  |                                   |  |  |        |                          |      |
| <input type="checkbox"/> Returned to Owner or Agent  |  |                                   |  | RECEIVED BY (Owner or Agent)   |        |                          |      |

NFU 07464

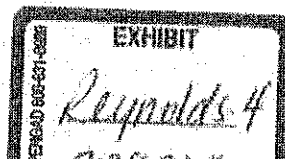
EXHIBIT  
Reynolds-3

NFU 07470

Case: 17-2114 Document: 003112628319 Page: 88 Date Filed: 05/19/2017

I, Jeffrey Walker, being duly sworn depose and state that I give the following statement knowingly and under my own volition:

1. My name is Jeffrey Walker and my date of birth is October 6, 1968.
2. I reside at 6444 Woodcrest Avenue, Philadelphia, Pennsylvania, 19151.
3. I graduated from Overbrook High School located in Philadelphia, Pennsylvania in 1987.
4. I was employed with the Philadelphia Police Department from June 28, 1989 until my termination on May 21, 2013.
5. I was arrested on May 21, 2013 by the federal authorities for Hobbs Act Robbery and immediately began to cooperate with the federal government.
6. As a government witness, I testified against my codefendants, Philadelphia Police Officers Thomas Liciardello, Brian Reynolds, Perry Betts, John Speiser, Linwood Norman and Michael Spicer at their federal criminal trial in 2015.
7. Pursuant to Section 5K1.1 of the United States Sentencing Guidelines, I received a full downward departure from the Government for testifying truthfully and was sentenced to a 42-month term of imprisonment by the Honorable Eduardo Robreno.
8. On March 30, 2016, I was released from F.C.I. Lexington and began cooperating with the civil rights attorneys in hundreds of cases concerning the wrongful conviction civil lawsuits brought against me and members of my Narcotic Field Unit including Thomas Liciardello, Brian Reynolds, Lt. Robert Otto, Sgt. Joseph McCloskey, Sgt. Chester Malkowski, Brian Monaghan, Perry Betts, John





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Speiser, Michael Spicer, Sean Kelly, et al. under the lead case of *McIntyre v Police Officer Licardello*, C.A. No. 13-2773 (E.D. Pa., May 20, 2013).

9. I worked at the 16<sup>th</sup> Police District (Burglary/Narcotics Division) in Philadelphia, Pennsylvania from in or around 1991 until 1999.

10. In 1999, I transferred to the Narcotics Bureau of the Philadelphia Police Department.

11. I was personally involved in the facts leading to the execution of the search warrants, arrest and prosecution of Dennis Freeman and other individuals involved and associated with Dennis Freeman in the investigation against him in 2000.

12. I have recently had the opportunity to review the Affidavit of Probable Cause, as well as the trial testimony of myself and the testimony of Brian Reynolds given at the criminal trial of Dennis Freeman.

13. One of my partners in that investigation was Brian Reynolds. Brian Reynolds was the lead investigator in the investigation that lead to Dennis Freeman's arrest and subsequent prosecution and was also the police officer who initiated the investigation after obtaining information from a "concerned citizen".

14. Brian Reynolds gave false testimony about the "concerned citizen" because the "concerned citizen" was actually an individual that Brian Reynolds and I had used several times prior to the Freeman Investigation as an unregistered informant. Brian Reynolds also failed to disclose that this individual was personally involved with this investigation and several other investigations when he assisted us in conducting surveillances, permitted us to use his vehicle for stakeouts and gave

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Brian Reynolds information on other drug dealers so that he could take over their drug locations when they were arrested.

15. Brian Reynolds and I used this unregistered informant who was known to us as "AI", described as a light skinned black male with curly dark hair wearing eye glasses and who resided in the 16<sup>th</sup> District in the area of 41<sup>st</sup> and Ogden Streets on numerous occasions while Officer Reynolds and I were detailed to the 16<sup>th</sup> District. AI assisted us in supplying information in order to set up drug dealers for arrest so that AI could take over that particular dealer's business. We rewarded AI for providing this information by giving him a free pass to continue to engage in his criminal activity. We also tipped AI off about other law enforcement investigations that he was a target in.

16. AI was known to us [Reynolds and myself] to have had a criminal history of drug dealing, robbing drug dealers, as well as being involved in shootouts with other drug dealers.

17. Brian Reynolds identified AI as a "concerned citizen" in the Freeman Investigation in order to make his information more reliable or credible and to appear that he was someone living in the neighborhood who was concerned about stopping drug activity.

18. Brian Reynolds and myself had no regard for AI's safety and we knew that using him as an unregistered informant was in violation of the Philadelphia Police Department Policies and Procedures in regards to the handling of informants and sources of information. We continued to use AI in this manner from the time

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Reynolds and myself were assigned to the 16<sup>th</sup> District and then for several years after we were transferred to the Narcotics Field Unit.

19. During the Freeman Investigation, I was present in an unmarked vehicle when Brian Reynolds received a telephone call from Al informing Reynolds that he had information about narcotic sales near Al's mechanic shop in West Philadelphia. I was present later when Reynolds ordered Al to go to the area of Jefferson Street to identify Dennis Freeman.

20. I also witnessed Al's personal vehicle parked on Jefferson Street with Al inside waiting for Reynolds to come to the vehicle.

21. Our [Reynolds, other police officers involved in the investigation and myself] intention was to steal money located in these houses, if possible, and/or to articulate [fabricate] evidence to establish the probable cause needed to arrest and prosecute those individuals targeted in the investigation.

22. I was then also present when Brian Reynolds met with Al out of the area of Jefferson Street and discuss Dennis Freeman and other individuals involved in the investigation and heard Al tell Brian Reynolds that the individuals were selling a lot of drugs and that they had a lot of money in their houses.

23. I was present when Reynolds requested that Al drive Reynolds in Al's vehicle to the Jefferson Street location so that Reynolds could hide in Al's van and surveil the block.

24. I saw Reynolds get into the rear of Al's van while Al drove to the block of

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Jefferson Street. Once on Jefferson Street, Al left the van leaving Reynolds alone inside of the van. After a period of time of surveillance, I saw Al come back to the van while Reynolds was still hiding in the van and drive away.

25. I witnessed Brian Reynolds violating Philadelphia Police Department Policy in the Freeman Investigation in handling sources of information, in using unregistered informants and in failing to corroborate information given to him by Al. Brian Reynolds violated these policies and procedures in order to fabricate the probable cause needed to arrest and prosecute Dennis Freeman and other individual involved in the Freeman Investigation.

26. During the pendency of Dennis Freeman's criminal trial, Al was signed up as a confidential informant by Brian Reynolds after questions were raised by Freeman's counsel at pretrial proceedings about the identity of the "concerned citizen", as well as the reliability and trustworthiness of the information given by Al.

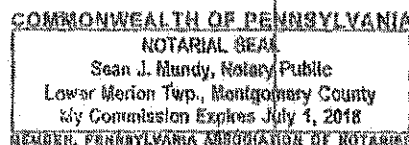
27. I was present when Brian Reynolds signed Al up as a registered informant so that there would be no inquiry into Reynolds improper use of Al as a source of information.

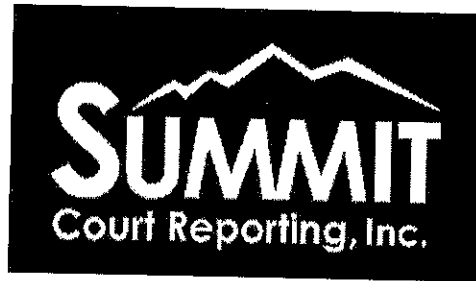
28. Upon information and belief, sometime thereafter, Al committed suicide.

DATED: May 15 2017

*Jeffrey Walker*  
Jeffrey Walker 5/15/17

Sworn to and subscribed before me on 5/15/17





Compressed Transcript of the Testimony of  
**POLICE OFFICER BRIAN REYNOLDS-VOLUME**  
**II, 9/23/21**

**Case:** Torain v. City of Philadelphia, et al.

Summit Court Reporting, Inc.  
Phone: 215.985.2400  
Fax: 215.985.2420  
Email: [depo@summitreporting.com](mailto:depo@summitreporting.com)  
Internet: [www.summitreporting.com](http://www.summitreporting.com)



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IN THE UNITED STATES DISTRICT COURT  
FOR EASTERN DISTRICT OF PENNSYLVANIA

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KAREEM TORAIN, ) NO.: 2:14-cv-01643  
Plaintiff, )  
-vs- )  
CITY OF PHILADELPHIA, et al., )  
Defendant. )  
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## VOLUME II

Oral deposition of POLICE OFFICER BRIAN REYNOLDS, was taken pursuant to Notice, held at The United States Courthouse, 601 Market Street, 8th Floor, Pennsylvania, 19106, on Thursday, September 23, 2021, commencing at 10:13 a.m., before Ronald DeShields, Registered Professional Reporter and Notary Public.

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\* \* \* \*

(It is hereby stipulated and agreed by and among counsel for the respective parties that all objections, except to the form of the questions, be reserved until the time of trial.)

\* \* \* \*

P/O BRIAN REYNOLDS, having been called as a witness, being first duly sworn, was examined and testified as follows:

\* \* \* \*

MS. TAYLOR: And if I could just note at the beginning, this is a deposition continuation. Counsel for the City in the first part of the deposition was Joseph Zengova (ph). Because he has left the law department, my name is Anne Taylor and I will be representing the City in this case.

MR. GONZALES: And also just note that the witness is going to read and sign the deposition transcript.

MR. PILEGGI: I guess what I would like to do is, and I don't even know how to do this, since the last deposition was abruptly stopped, I

1 (Pages 135 to 138)

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1 would like to incorporate that deposition into  
2 this record. I don't know -- I've never done this  
3 before, so I'm --

4 MR. GONZALES: It's just a continuation  
5 of the --

6 MS. TAYLOR: Yeah.

7 MR. GONZALES: -- first deposition.  
8 We'll pick up with the same page numbering, it's  
9 all the same.

10 MR. PILEGGI: Okay, but -- off the  
11 record.

12 \* \* \* \*

13 (There was a discussion  
14 had off the record.)

15 \* \* \* \*

16 MR. PILEGGI: So, let me just put this  
17 on the record.

18 After the completion of this deposition  
19 I will be sending you the first part -- your  
20 agency the first part to incorporate into this  
21 continued deposition.

22 Fair enough?

23 MR. GONZALES: Yes.

24 MR. PILEGGI: Good morning,

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1 Officer Reynolds. I'm going to go through the  
2 instructions again.

3 Of course, this is your deposition.  
4 This is a continuation of the deposition that we  
5 had on July 28th that was ended before we  
6 completed it. So, I'm going to be asking you  
7 again a series of questions. If you know the  
8 answer, just make sure your responses are verbal.  
9 The court reporter on the right of me that is  
10 taking down all the responses, a nod of the head  
11 or shaking of the head, um, the court reporter  
12 can't take that down. So, just make sure  
13 everything's verbal.

14 If you want to take a break we could do  
15 that, we just can't do that while there's a  
16 pending question, you have to answer the question  
17 first. And, lastly, you are under oath.

18 Do you have any questions for me before  
19 we begin?

20 THE WITNESS: No.

21 \* \* \* \*

22 DIRECT EXAMINATION

23 \* \* \* \*

24 BY MR. PILEGGI:

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1 Q. All right. I want to pick up where we left  
2 off in the last deposition. And I'm referring to the  
3 deposition of July 28th, 2021.

4 Do you recall that?

5 A. Yes.

6 MR. PILEGGI: Okay. At the end of that  
7 deposition -- and I'm going to refer to the page  
8 numbers, so... Give me a second.

9 BY MR. PILEGGI:

10 Q. On Page 118... And by the way, this whole  
11 issue ended on Page 133. On 118 we began discussing a  
12 concerned citizen that you had used in the past named  
13 AI.

14 Do you recall that?

15 A. Yes.

16 Q. And I asked you a series of questions about  
17 your use of AI in criminal investigations.

18 Do you recall that?

19 A. (No audible response.)

20 Q. Generally.

21 A. Yeah, I don't -- I recall you asking me about  
22 the Freeman case, I don't recall you asking me about  
23 other cases.

24 Q. Okay. Now, let's go back. AI also is

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1 deceased, correct?

2 MR. GONZALES: Objection, asked and  
3 answered.

4 You can answer it again.

5 THE WITNESS: Yes.

6 BY MR. PILEGGI:

7 Q. Do you know when AI died?

8 A. No.

9 Q. Do you know how he died?

10 A. I heard he hung himself in jail. I don't  
11 know if that's true or not, though.

12 Q. Now, were you the one -- the officer that  
13 deactivated AI once he was deceased?

14 A. I don't recall deactivating him.

15 Q. Do you know if anyone deactivated him?

16 A. I have no idea.

17 Q. There would be a Master file with regards to  
18 AI, correct?

19 A. Correct. That should all be in the Integrity  
20 Control Office.

21 Q. But there would be a Master file, correct?

22 A. There would be a file, yes. If he was signed  
23 up as an informant, which I read some notes, and he  
24 seems like he went from the concerned citizen to an

2 (Pages 139 to 142)

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1 informant, yes.  
2 Q. You read those notes because you actually did  
3 that in conjunction with the case that you were lead  
4 officer on.  
5 MR. GONZALES: Objection. Objection to  
6 the form of the question.  
7 It's compound and you have a comment in  
8 there, so can you rephrase the question, please.  
9 MR. PILEGGI: Yes.  
10 BY MR. PILEGGI:  
11 Q. You were actually the one that, lack of a  
12 better word, bumped up AI from a concerned citizen to a  
13 confidential informant during the pendency of the  
14 Freeman case.  
15 MR. GONZALES: Objection to -- you used  
16 the term bumped up.  
17 If the witness understands what that  
18 term means I'll let him answer, but otherwise, um.  
19 You can answer if you understand what  
20 he means.  
21 THE WITNESS: I don't understand what  
22 that term means, bumped up.  
23 BY MR. PILEGGI:  
24 Q. In other words, during the pendency of the

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1 Freeman case, where you were lead -- lead officer, and  
2 you were the one handling AI -- you understand  
3 handling, what I mean by handling?  
4 A. I wasn't handling AI. AI provided me with  
5 information that I went out and then verified.  
6 Q. Okay. In the pendency of that particular  
7 case, the Freeman case, criminal trial, AI went from a  
8 concerned citizen to a confidential informant, correct?  
9 A. I do believe he was signed up as an  
10 informant, I don't know exactly when he was signed up.  
11 Q. Okay. But you were the one that actually  
12 provided that information to the court, aren't you?  
13 A. As I stated, I read some notes on there about  
14 it -- about him going from a concerned citizen to an  
15 informant, and then the notes stop.  
16 Q. Okay.  
17 A. There was only a -- several notes that  
18 were -- that were given. Or several pages of that  
19 hearing that were provided to my attorney.  
20 Q. But you were the one that provided that  
21 testimony at the Freeman trial.  
22 MR. GONZALES: Objection. If you recall  
23 providing the testimony that -- you can answer.  
24 If you don't recall then you can answer.

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1 THE WITNESS: I only recall what I  
2 read on those several pages. I don't recall  
3 exactly what was said at that hearing.  
4 BY MR. PILEGGI:  
5 Q. Well, I'm asking you your independent  
6 recollection of the Freeman case.  
7 Do you recall AI going from a concerned  
8 citizen to a confidential informant?  
9 MR. GONZALES: Hold on. Objection. He  
10 already answered that question.  
11 MR. PILEGGI: No, he -- John, please.  
12 MR. GONZALES: No, no, you please.  
13 MR. PILEGGI: All right. Let's do it  
14 this way --  
15 MR. GONZALES: Just ask a question.  
16 MR. PILEGGI: No, no, no that's fine.  
17 That's fine.  
18 We'll mark that as Reynolds-1.  
19 MR. GONZALES: We already marked four --  
20 it looks like we marked four exhibits on day one,  
21 so you want to pick up from the next one -- I'm  
22 sorry.  
23 \* \* \* \*  
24 (There was a discussion

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1 had off the record.)  
2 \* \* \* \*  
3 (Reynolds Exhibit 5 was  
4 marked for identification.)  
5 \* \* \* \*  
6 MR. PILEGGI: Officer Reynolds, I'm  
7 showing you what's been marked as Reynolds-5.  
8 BY MR. PILEGGI:  
9 Q. Obviously that's a transcript, correct?  
10 A. (No audible response.)  
11 Q. Is that a yes?  
12 A. Yes.  
13 Q. Okay. And it's a transcript in the Freeman  
14 case, correct?  
15 A. (No audible response.)  
16 Q. United States versus Freeman?  
17 A. Correct. And Brian Johnson.  
18 Q. That was a case -- do you independently  
19 recall testifying in that case as one of the officers  
20 that -- involved in the investigation and the arrest of  
21 Dennis Freeman?  
22 A. Correct, I testified in that case.  
23 Q. Okay. In fact, you were the Affiant in that  
24 case, am I correct?

3 (Pages 143 to 146)

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1 A. I was.  
2 Q. And that -- in particular that, um,  
3 Reynolds-5 that I'm showing you, was a motion to  
4 suppress.  
5 Am I correct?  
6 MR. GONZALES: Well, do you not  
7 want him to read it, or is it based on his  
8 independent recollection?  
9 MR. PILEGGI: No, I want him to read it.  
10 MR. GONZALES: You want him to read it.  
11 MR. PILEGGI: Yes.  
12 MR. GONZALES: Because the record speaks  
13 for itself. I mean, you handed a court  
14 transcript. The transcript says: Hearing before  
15 the Honorable Robert F. Kelly, United States  
16 District Court Judge. Then it has a list of  
17 appearances --  
18 MR. PILEGGI: I'd rather have him read  
19 it, John, not you. It's his deposition.  
20 MR. GONZALES: I understand. But you're  
21 using a court document --  
22 MR. PILEGGI: I asked him a simple  
23 question, is that a transcript of a motion to  
24 suppress? And you can look on the front page.

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1 You can look on the front page.  
2 MR. GONZALES: It doesn't say on the  
3 front page.  
4 MR. PILEGGI: Does it say a pretrial  
5 hearing?  
6 MR. GONZALES: No, it does not.  
7 BY MR. PILEGGI:  
8 Q. What does it say?  
9 MR. GONZALES: I just read it.  
10 THE WITNESS: It says: A hearing before  
11 the Honorable Robert F. Kelly, United States  
12 District Court Judge.  
13 BY MR. PILEGGI:  
14 Q. Okay. Do you independently recollect  
15 appearing at that hearing and testifying?  
16 A. No.  
17 Q. Okay. Do you want to look -- do you want to  
18 look through it generally and see if you were --  
19 actually testified in there  
20 \* \* \* \*  
21 (There were comments  
22 made off the record.)  
23 \* \* \* \*  
24 THE WITNESS: There is some testimony

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1 from me in here, yes. I see it on Page 12.  
2 BY MR. PILEGGI:  
3 Q. And, again, generally, if you want to look  
4 through there, was there testimony with regards to  
5 information provided by the quote, unquote, concerned  
6 citizen?  
7 A. I'm going to read it. It would have probably  
8 been nice to have this beforehand but --  
9 MR. GONZALES: Do you want -- I'm  
10 confused here, Michael.  
11 Do you want him to just read the  
12 transcript and confirm what is already reflected  
13 in the transcript?  
14 MR. PILEGGI: I'm asking him  
15 generally --  
16 MR. GONZALES: Because he doesn't  
17 recall.  
18 MR. PILEGGI: -- was there testimony  
19 with regards to the concerned citizen. If he  
20 wants to leaf through it and look at it that's  
21 fine.  
22 MR. GONZALES: I mean, I'm going to  
23 object. The record speaks for itself. There was  
24 a hearing, and if it was mentioned it was

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1 mentioned and would be reflected in transcript.  
2 We can take a break and he can review  
3 the 57 pages of the transcript if that would help,  
4 but, you know.  
5 MR. PILEGGI: I asked him about his  
6 independent recollection. So, if he doesn't  
7 recollect that's his answer.  
8 THE WITNESS: I don't recollect.  
9 MR. PILEGGI: Okay.  
10 BY MR. PILEGGI:  
11 Q. So, during the pendency of the Freeman case,  
12 do you ever recollect any issue with regards to your  
13 confidential -- I'm sorry, your concerned citizen?  
14 A. As I stated, I read something that was turned  
15 over, and there were some pages where mentioned a  
16 concerned citizen going to the confidential informant  
17 and then it stops. That's all I remember reading those  
18 pages, I did not -- this is the first time I'm seeing  
19 this.  
20 Q. As that was --  
21 A. It would have been nice to have this prior to  
22 coming today.  
23 Q. Okay. But that was something that you  
24 testified, correct?

4 (Pages 147 to 150)

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1 A. What do you mean it was something that I  
2 testified? I don't recall --  
3 Q. About the concerned citizen -- going from a  
4 concerned citizen to a confidential informant?  
5 A. Yes --  
6 Q. That was your testimony.  
7 A. -- in the pages that I read, yes. There was  
8 only like three to five pages of it that I read, and  
9 then the transcript stopped.  
10 Q. Okay. Now, do you recall the court  
11 compelling AI to go in and speak with defense counsel  
12 with regards to the information that he provided in the  
13 Freeman case?  
14 A. You mentioned that at the last deposition, I  
15 don't recall that independently.  
16 Q. Okay. Do you recall speaking with AI, um,  
17 during the pendency of the Freeman case with regards to  
18 either his testimony or your own?  
19 A. I don't recall.  
20 Q. How many times did you use AI before the  
21 Freeman case?  
22 A. I have no idea.  
23 Q. But as you testified previously, you used him  
24 several times.

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1 A. He provided information several times, yes.  
2 Which we then -- which I then went out and verified.  
3 Q. Now, when he was made a confidential  
4 informant, that means he signed up, correct?  
5 A. Correct. There's a packet that has to be  
6 filled out with him, and then it gets reviewed by the  
7 Integrity Control, and then they give you the approval  
8 for him to be an informant or not.  
9 Q. And that would be something that would be  
10 contained in the Master file?  
11 A. That would be something the Integrity Control  
12 Unit, or office should have, yes.  
13 Q. And they would maintain --  
14 A. I don't know what you mean by "Master file".  
15 Q. Well, there's a file --  
16 A. There's a file --  
17 Q. -- for a confidential informant.  
18 A. It's not called a master file. Like you  
19 said, there's forms that have to be filled out, certain  
20 things have to be signed. There's record checks that  
21 have to be done. Then everything is turned over to the  
22 Integrity Control office, they're the ones that provide  
23 the confidential informant number. They're the ones  
24 that approve the informant getting signed up. They're

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1 the ones that give the okay.  
2 Q. Were you the one that -- I know you didn't  
3 personally sign him up, but were you the one that  
4 directed AI to the police department so that he could  
5 be signed up?  
6 A. I don't recall that. I don't even recall if  
7 I was the one or not that signed him up.  
8 Q. Well, you were the one that got the  
9 information from AI when he was a concerned citizen  
10 with regards to Freeman, correct?  
11 MR. GONZALES: Objection, asked and  
12 answered.  
13 You can answer it again.  
14 THE WITNESS: Yes.  
15 BY MR. PILEGGI:  
16 Q. And that was something that was memorialized  
17 in the Affidavit of Probable Cause for the Freeman  
18 case?  
19 A. Correct.  
20 MR. PILEGGI: Mark that Reynolds-6.  
21 \* \* \* \*  
22 (Reynolds Exhibit 6  
23 was marked for identification.)  
24 \* \* \* \*

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1 BY MR. PILEGGI:  
2 Q. You've been shown what's been marked as  
3 Reynolds-6.  
4 First of all, what is that?  
5 A. It's the Affidavit of Probable Cause.  
6 Q. For what case?  
7 A. For the Dennis Freeman case.  
8 Q. Okay. By the way, and I know you testified  
9 to this previously and it's part of the record, but  
10 this was a case that Mr. Freeman complained about to  
11 the Internal Affairs, correct?  
12 A. There was a complaint that was made to  
13 Internal Affairs, yes.  
14 Q. Okay. And you had to give a statement in  
15 conjunction with that investigation?  
16 A. I believe I did, yes.  
17 Q. As well as Officer Kelly?  
18 A. I don't recall who else had to give  
19 statements.  
20 Q. Okay. But you did, right?  
21 A. I believe I did, yes.  
22 MR. PILEGGI: All right. I just want to  
23 read the first line and ask you a couple  
24 questions. It says: Police Officer Reynolds,

5 (Pages 151 to 154)



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1 Badge Number 43 --  
2 MR. GONZALES: I'm going to stop right  
3 there. You're referring to statements that were  
4 given to Internal Affairs. Do you have copies of  
5 those statements, because they were not produced.  
6 MR. PILEGGI: I know. I'll get to it,  
7 John.  
8 MR. GONZALES: No, I'm asking you now,  
9 do you have copies --  
10 MR. PILEGGI: You can make the objection  
11 when it comes up, John.  
12 MR. GONZALES: No, no, no. I'm asking  
13 you on the record do you have relevant documents  
14 pertaining to statements --  
15 MR. PILEGGI: No.  
16 MR. GONZALES: -- given by my client to  
17 Internal Affairs --  
18 MR. PILEGGI: No.  
19 MR. GONZALES: -- involving the Freeman  
20 case?  
21 MR. PILEGGI: No. And I'm going to put  
22 on the record that I want those statements.  
23 Okay. They should be produced in discovery.  
24 Along with the Master file, if that's what it's

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1 called, by the way.  
2 THE WITNESS: Okay. Thank you.  
3 MR. PILEGGI: I'm going to put that on  
4 the record. But we'll get to that.  
5 MR. GONZALES: So, you don't have copies  
6 of the Internal Affairs statements, is that what  
7 you're saying?  
8 MR. PILEGGI: I just said no.  
9 I'm going to start again. Police  
10 Officer Reynolds, badge number 4268, received  
11 information from a concerned citizen regarding the  
12 illegal sales of narcotics on the Highway of 5500  
13 Lansdowne Avenue.  
14 Do you see that?  
15 THE WITNESS: Yes.  
16 BY MR. PILEGGI:  
17 Q. So, Al, we know now -- the concerned citizen  
18 was Al, correct?  
19 A. Yes.  
20 Q. Okay. So Al gave you information with  
21 regards to illegal drug sales on 5500 Lansdowne Avenue,  
22 correct?  
23 A. Yes.  
24 Q. That's how this whole investigation started.

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1 A. Correct.  
2 Q. Now, at the time that you received this  
3 information -- and by the way, this is -- report dated  
4 is August 30th, 2000, correct?  
5 A. Yes.  
6 Q. All right. At that point you were aware that  
7 Al was a convicted felon.  
8 A. I don't recall what Al was convicted for. If  
9 you show me a criminal record I'd be able to tell you.  
10 Q. Well, did you bother pulling his criminal  
11 record when you -- doing several jobs with him?  
12 A. You say "several jobs". I only remember  
13 doing this job with Al. I don't remember what other  
14 jobs were done with Al. And, no, there was -- I did  
15 not do a criminal record check on Al.  
16 Q. Okay. At any point did you do a records  
17 check on him?  
18 A. As I stated before, you'd have to do one if  
19 he was signed up as an informant there would be one  
20 done. There would also be done -- one done by the  
21 Integrity Control Unit Office.  
22 Q. So, based on this line, what exactly was so  
23 concerning? How was he a concerned citizen, Al?  
24 A. That was the wordage I used for the

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1 Affidavit.  
2 Q. I know that you used it, it's in the report.  
3 A. Okay.  
4 Q. What does it mean?  
5 A. It means he's a concerned citizen who told me  
6 about illegal sales of narcotics.  
7 Q. Now, you couldn't use that concerned citizen  
8 status on other cases could you if -- before Al was  
9 signed up as a confidential informant?  
10 MR. GONZALES: Objection. I don't  
11 understand that question at all. Can you please  
12 rephrase.  
13 MR. PILEGGI: You don't have to  
14 understand.  
15 MR. GONZALES: Do you understand the  
16 question?  
17 THE WITNESS: I do not.  
18 MR. PILEGGI: Of course he doesn't.  
19 BY MR. PILEGGI:  
20 Q. Could you use Al as a concerned citizen on  
21 other cases before or after Freeman?  
22 A. If he provided me the information.  
23 Q. You could. So, what -- exactly what is the  
24 criteria that you have to follow with the police

6 (Pages 155 to 158)

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1 policies to make him from a concerned citizen to a  
2 confidential informant?

3 A. As I stated, there's paperwork that has to be  
4 done for him to go from -- to be signed up as a  
5 confidential informant. There's a whole --

6 Q. That's the procedure.

7 A. There's a whole packet that has to be done,  
8 yes.

9 Q. I understand that, that's the procedure.

10 What is the policy? In other words, why  
11 is someone a concerned citizen as opposed to a  
12 confidential informant?

13 A. Because he was a concerned citizen at the  
14 time, he wasn't a confidential informant.

15 Q. Right. I know that.

16 A. Okay.

17 Q. But what made him a confidential informant  
18 later on in the Freeman case?

19 A. Probably after this case he saw -- the  
20 magnitude of it and the drugs that were recovered, he  
21 probably wanted to be compensated for it, so then he  
22 probably wanted to be -- I couldn't pay him being a  
23 concerned citizen. So, at that point he then would  
24 have to be signed up as an informant to be paid for

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1 this case.

2 If he was paid. I don't even know if he  
3 was paid or not.

4 Q. Let me ask you, I only want you to testify as  
5 to your personal recollection. You just said probably  
6 this, probably that. I don't want you to guess --

7 A. I have -- I have no recollection. I'd have  
8 to see paperwork to say when he was signed up as an  
9 informant, if he was paid as an informant. That's  
10 paperwork that I'd have to see in order to give you the  
11 answer that you want.

12 Q. So, you're saying you could not give him any  
13 compensation as a concerned citizen, only as a  
14 confidential informant.

15 A. Correct.

16 Q. Okay. What about a confidential source,  
17 what's the difference between a confidential source and  
18 a concerned citizen?

19 A. As I stated before, they're basically the  
20 same. It all depends on what wordage the officer wants  
21 to use, who's doing the Affidavit of Probable Cause or  
22 the paperwork.

23 Q. Okay. Now, we now know also that AI was also  
24 a source of information in the Torain case, correct?

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1 MR. GONZALES: Objection. When you  
2 say "now we know," what --

3 MR. PILEGGI: Yeah, now we know.

4 MR. GONZALES: How do --

5 MR. PILEGGI: John, stop.

6 MR. GONZALES: Well, you're making a  
7 conclusion.

8 MR. PILEGGI: This is my deposition.  
9 Stop with the --

10 MR. GONZALES: No, the question is  
11 inappropriate --

12 MR. PILEGGI: Well, then if he doesn't  
13 understand --

14 MR. GONZALES: Instead of saying a  
15 conclusion say was -- you can ask an open-ended  
16 question --

17 MR. PILEGGI: John, stop. Stop.

18 MR. GONZALES: -- was this AI the same  
19 as that AI.

20 MR. PILEGGI: I'm requesting --

21 MR. GONZALES: Instead of saying --

22 MR. PILEGGI: -- that you stop  
23 interrupting --

24 MR. GONZALES: -- you know now, as if

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1 it's a true statement.

2 MR. PILEGGI: John, I'm requesting that  
3 you stop interrupting. Let him answer.

4 THE WITNESS: Repeat your question.  
5 BY MR. PILEGGI:

6 Q. Are you aware that AI was the same source of  
7 information in the Freeman case as he was in the Torain  
8 case?

9 A. I'm not aware of that. You'd have to ask  
10 Monaghan that, he was the investigator in that case.

11 Q. So, while you were working in the pendency of  
12 the Torain case, you had no idea who the source of  
13 information was.

14 A. Correct.

15 Q. Is that your testimony?

16 A. Correct. You'd have to ask Monaghan that.

17 Q. So, let's go down. Now, and I'm referring to  
18 Reynolds-6, the Affidavit.

19 By the way, you were the eyes on this  
20 investigation as well, correct?

21 MR. GONZALES: Wait a minute. Which  
22 investigation, Torain or Freeman?

23 MR. PILEGGI: I'm talking about 6.  
24 Reynolds-6.

7 (Pages 159 to 162)

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1 MR. GONZALES: Freeman, okay.  
2 Sorry, go ahead.  
3 THE WITNESS: Yes, I was. And there was  
4 other officers --  
5 BY MR. PILEGGI:  
6 Q. You were the Affiant --  
7 A. There was other officers that did  
8 observations also.  
9 Q. Right. But you were the Affiant as well as  
10 the one surveilling Freeman at the very least, as well  
11 as other individuals that were also arrested in that  
12 case.  
13 A. Correct.  
14 Q. All right. And you were running the show,  
15 you were the lead investigator, correct?  
16 A. I was the assigned investigator in this case,  
17 yes.  
18 Q. All right. And you were the lead assigned  
19 investigator because AI was your source of  
20 information.  
21 A. I was the investigator in this case, yes.  
22 Q. Because AI was your source of --  
23 A. I was given the information, I went out to  
24 verify the information, yes.

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1 Q. Now, did AI participate in any way in this  
2 investigation, other than giving information?  
3 A. No.  
4 Q. Nothing. He did nothing else.  
5 A. Did nothing else.  
6 Q. You independently recollect that?  
7 A. Correct.  
8 Q. Okay. If you look down at the bottom of the  
9 first page. It says: On 8/31/2000, at approximately  
10 3:30, Police Officer Reynolds, badge number 4268,  
11 returned to 5412 Jefferson Street to conduct another  
12 surveillance for illegal activity.  
13 Let me just ask you this, what do you  
14 mean another surveillance? You had been out there  
15 before?  
16 A. Yes. As you see, I was out there on the  
17 30th.  
18 Q. And is it fair to say you were out there the  
19 day before?  
20 A. Yes.  
21 Q. Okay. How long of a time between the time  
22 that AI gave you the information until you went up and  
23 set up surveillance to independently corroborate what  
24 he told you?

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1 A. I don't recall that.  
2 Q. Would that be in some kind of notes?  
3 A. I don't know.  
4 Q. What do you mean you don't know?  
5 A. (No audible response.)  
6 Q. You take notes, right?  
7 A. Take notes when?  
8 Q. When you're doing a surveillance?  
9 A. Correct. And then everything is put onto the  
10 Affidavit of Probable Cause.  
11 Q. Okay. So you take notes.  
12 A. Correct.  
13 MR. GONZALES: He just said yes. Asked  
14 and answered.  
15 Why are you arguing with the witness.  
16 BY MR. PILEGGI:  
17 Q. So, where are the notes with regards to the  
18 Freeman job, do you know?  
19 A. They're all put into the Affidavit.  
20 Q. No. That's not what I asked you.  
21 A. Where are the written notes?  
22 Q. Where are the written notes that you took  
23 during your surveillance that was later incorporated  
24 into the Affidavit?

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1 A. Probably in the trash.  
2 Q. Well, I don't want you to guess.  
3 A. I don't -- I don't recall where the notes  
4 are.  
5 Q. Okay. Did you ever provide them to the US  
6 Attorney that was trying the case?  
7 A. I don't know if I was asked about that or  
8 not. I don't recall.  
9 Q. I didn't ask you that.  
10 Did you ever provide --  
11 MR. GONZALES: He said he doesn't  
12 recall.  
13 MR. PILEGGI: He said he didn't know if  
14 he was asked that.  
15 MR. GONZALES: And then he said he  
16 didn't recall.  
17 MR. PILEGGI: It was a good question.  
18 MR. GONZALES: He answered the  
19 question.  
20 BY MR. PILEGGI:  
21 Q. Do you recall giving those notes to the US  
22 Attorney?  
23 A. I do not recall that.  
24 Q. Okay. So, I'm going to go back. This is

8 (Pages 163 to 166)

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1 Line 2: At approximately 3:45, this is about 15  
2 minutes after you set up surveillance. At  
3 approximately 3:45 a black male, Number 5, wearing a  
4 blue T-shirt, blue jean shorts, with a beard and white  
5 sneakers, exited and got into a green Pontiac  
6 Bonneville, tag number DKC-3310.

7 Do you recall taking notes about that  
8 tag number?

9 A. I had to have, because it's in the Affidavit  
10 of Probable Cause.

11 Q. Okay. And they were notes that you later  
12 incorporated into this Affidavit.

13 A. Correct.

14 Q. And you were the one that actually observed  
15 the green Pontiac Bonneville, DKC-3310, right?

16 A. Correct.

17 Q. The next line: Black male, Number 5, then  
18 left the area and went to the area of Allison Street  
19 and Lansdowne Avenue at approximately 3:55 p.m.

20 Do you see that?

21 A. Yes.

22 Q. That's something you surveilled, right?

23 A. I don't know if I was the one that followed  
24 him over to Allison Street. I don't recall if I was or

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1 A. Got into the green Bonneville.

2 Q. Right. Okay. So, you actually saw  
3 Mr. Freeman with crack cocaine?

4 A. Yes.

5 Q. Okay.

6 A. That's what it says.

7 Q. All right. And, again, we can all agree that  
8 that was you that observed that, correct, no other  
9 officer.

10 A. Correct.

11 Q. The green Bonneville then left the area.  
12 Police Officer Reynolds, 4268, gave a description and  
13 direction to back up officers.

14 Police Officer Kelly, Badge Number 7126,  
15 Police Officer Walker, 37, I think it's 30, but it's  
16 cut off, and Police Officer Norman, 5214, then  
17 conducted a roving surveillance of the green Bonne --  
18 Pontiac Bonneville, correct?

19 A. Correct.

20 Q. All right. Now, let me ask you this, and  
21 this is based on -- I want you to base this on your  
22 independent recollection, it's nothing on the sheet  
23 that says this: Black male Number 5, who is driving  
24 that green Bonneville, got away in the Freeman case,

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1 not.

2 Q. Well, if somebody else surveilled that you  
3 would have to incorporate that in the Affidavit,  
4 wouldn't you?

5 A. (No audible response.)

6 Q. If another officer surveilled that?

7 A. Yeah, but another officer's not mentioned --  
8 but I don't recall if that was me or not, to be honest  
9 with you.

10 Q. But --

11 A. If it was another officer it would have  
12 indicated that, yes.

13 Q. So, we can all agree that the whole paragraph  
14 starts with you doing the surveillance, you alone.

15 A. Correct.

16 Q. All right. Were you partnered up that day?

17 A. I don't believe I was, no.

18 Q. Next page it says: The green Bonneville then  
19 returned to 5412 Jefferson Street, at which time black  
20 male beeped, and a black male, Number 1, ID'd as Dennis  
21 Freeman, exited 5412 Jefferson Street carrying a bundle  
22 of... It looks like crack cocaine, but it's cut off.

23 A. Crack cocaine.

24 Q. And got into his green Bonneville.

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1 correct?

2 A. Was never identified, yes.

3 Q. Was never apprehended.

4 A. Never apprehended. I don't know who -- to  
5 today who that person was.

6 Q. Everyone else was arrested, tried, and  
7 convicted, correct?

8 A. If it's what you're telling me. I don't  
9 recall the criminal status of it, but, yes.

10 MR. PILEGGI: Well, let's -- all right.  
11 Let's go down about the middle of the  
12 page.

13 BY MR. PILEGGI:

14 Q. It says: Black male Number 1. Do you see  
15 that in parentheses, it says Dennis Freeman.

16 A. Yes.

17 Q. All right. Black male Number 1, Dennis  
18 Freeman, then jogged back over to the green Pontiac  
19 Bonneville.

20 Now, you saw this green Pontiac  
21 Bonneville several times, you personally, correct?

22 A. Just on that -- on the 31st, yes.

23 Q. Okay. And that's something that, again, you  
24 personally observed --

9 (Pages 167 to 170)



Page 171

1 A. Correct.  
2 Q. -- what I just read.  
3 A. Correct.  
4 Q. The roving surveillance officers then  
5 followed the green Pontiac Bonneville back to 5412  
6 Jefferson Street.  
7 Correct?  
8 A. Where does that say that at, sir.  
9 Q. The next line. The roving surveillance  
10 officers then followed the green Pontiac Bonneville  
11 back to 5412 Jefferson Street.  
12 A. Yes, I see that.  
13 Q. Then it says: Police Officer Reynolds, 4268,  
14 then observed black male Number 1, Dennis Freeman, and  
15 black male Number 5, who's not identified, go into 5412  
16 Jefferson Street.  
17 Do you see that?  
18 A. Yes.  
19 Q. Black male Number 1, Dennis Freeman, was also  
20 carrying the brown bag that he got in -- got from 5507  
21 Master Street. At approximately 4:45 Police Officer  
22 Reynolds, 4268, observed black male Number 5 exit 5412  
23 Jefferson Street and leave the area in the green  
24 Bonneville at approximately 4:50. Wait, I cut off that

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1 approximately 4:50, that's -- let me read it again.  
2 Black male Number 5 exited 5412  
3 Jefferson Street and leave the area in a green  
4 Bonneville, period.  
5 Do you see that?  
6 A. Correct.  
7 Q. That's something you observed again --  
8 A. Yes.  
9 Q. -- correct? That Bonneville was never seen  
10 again, was it?  
11 A. It was not.  
12 Q. Until we get to the Torain case. Then you  
13 observed that green Bonneville again, didn't you?  
14 A. I seen a green Bonneville, yes.  
15 Q. In fact, you arrested Mr. Torain in the green  
16 Bonneville, correct?  
17 A. I did.  
18 Q. And you saw that green Bonneville after you  
19 previously testified, and this is in the last  
20 deposition that, um, he left his home at 1628 Conestoga  
21 Street, and entered the unit at 5510  
22 Mas -- I'm sorry -- strike that. 5510 North...  
23 A. 1628 North 55th Street.  
24 Q. Correct, thank you.

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1 MR. GONZALES: Can you just re-ask that  
2 question.  
3 MR. PILEGGI: Yeah, I will. I will.  
4 BY MR. PILEGGI:  
5 Q. You observed Mr. Torain leave 1628 Conestoga  
6 Street and go down the street to...  
7 To 1628 North 55th Street.  
8 A. Correct. You said it was 1628 North  
9 Conestoga, I believe the address is 1621.  
10 Q. That's right.  
11 A. North Conestoga.  
12 Q. You're correct.  
13 A. And anyone around there --  
14 Q. And just for clarity's sake, he left 1621  
15 Conestoga Street, went down the street, maybe a block  
16 or so, and entered 1628 North 55th Street.  
17 A. Yes.  
18 Q. And that's something you actually observed.  
19 A. Yes.  
20 Q. All right. Did you observe him when he went  
21 from Conestoga to 55th Street, did you observe him in  
22 the green Bonneville?  
23 A. Yes.  
24 Q. You personally.

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1 A. Yes.  
2 Q. Did you -- before he left Conestoga did you  
3 see him -- personally see him drive the green  
4 Bonneville from Master Street, where the surveillance  
5 was set up, to Conestoga Street?  
6 A. I believe that was another -- that was  
7 another officer that did that.  
8 Q. So, you were at the scene of Conestoga  
9 Street, um, setting up surveillance when he left  
10 Conestoga to go to 55th.  
11 A. Correct. He was followed from Master over to  
12 Conestoga. I then picked up the surveillance on  
13 Conestoga Street.  
14 Q. To 55th Street.  
15 A. Yes.  
16 Q. Okay. And he was in a green Bonneville?  
17 A. Yes.  
18 Q. How far was Conestoga from 55th Street?  
19 A. I think it's right around the corner.  
20 Q. Okay. Where did he park the car?  
21 A. I don't recall.  
22 Q. Do you think he parked it across the street  
23 from the 55th Street?  
24 A. I just said I don't recall.

10 (Pages 171 to 174)



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1 Q. Were you aware that his grandmother lived  
2 at -- right in -- right across the street from 55th  
3 Street?  
4 A. I was not.  
5 Q. Do you recall seeing Mr. Torain leave 55th  
6 Street?  
7 A. I don't believe I was the one that saw him  
8 leave 55th Street, another officer did.  
9 Q. But you saw him go in.  
10 A. Correct.  
11 Q. Did you see him go in with a key?  
12 A. Correct.  
13 Q. Did you see where he went into when he went  
14 in there?  
15 A. No.  
16 Q. Sometime later though, you went back to 55th  
17 Street with other officers and attempted to gain entry  
18 into one of the apartments in that rooming house on  
19 55th Street, correct?  
20 A. There was an apartment that was secured  
21 inside that building, yes.  
22 Q. You tried to actually enter the premises.  
23 When I say "premise," I mean the apartment.  
24 MR. GONZALES: Objection. Mike, didn't

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1 we already cover all this. I thought we  
2 covered all this already, you talked about going  
3 over the threshold --  
4 MR. PILEGGI: Yeah, but unfortunately we  
5 stopped the deposition, so I got to backtrack so I  
6 can ask questions based on that.  
7 MR. GONZALES: Objection. It's asked  
8 and answered, but...  
9 THE WITNESS: Yes, we went back to  
10 secure that property at some point.  
11 BY MR. PILEGGI:  
12 Q. Who was there with you?  
13 A. Um, it would have been Monaghan, because it  
14 was his investigation. I believe Kelly, I believe  
15 Walker. I'm not sure of the other officers, if there  
16 was other officers. And there would have been a  
17 supervisor with us.  
18 Q. Now, Walker testified -- are you aware that  
19 Mr. Walker gave testimony with regards to the Torain  
20 case, right?  
21 A. I am.  
22 Q. You were in the courtroom at the time,  
23 correct?  
24 A. Correct.

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1 Q. So you heard his testimony?  
2 A. Correct.  
3 Q. Do you recall Mr. Walker saying that  
4 yourself, Walker, and Monaghan huddled up and discussed  
5 how you were going to link Mr. Torain to the particular  
6 apartment in 55th Street?  
7 A. I remember there was testimony to that.  
8 Q. And what's your response, did that happen?  
9 A. Not at all.  
10 Q. He's lying?  
11 A. That's correct.  
12 Q. Okay. Do you recall Mr. Walker testifying  
13 that officers were inside the unit, before you arrived  
14 with the key from Monaghan to open the door?  
15 A. I don't recall that testimony, no.  
16 Q. Okay. But you were at the scene correct,  
17 after -- at some point after Mr. Torain was arrested?  
18 A. Correct. As I stated, we went back there to  
19 secure the property with other officers and Officer  
20 Monaghan, because he --  
21 Q. You were part of that group?  
22 A. I was.  
23 Q. Okay. You also made another arrest didn't  
24 you, immediately following Mr. Torain's arrest?

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1 A. Correct.  
2 Q. Do you remember that?  
3 A. I do.  
4 Q. Where was that -- where was the arrest?  
5 A. In the area of 55th and Market.  
6 Q. How far was that from the 55th Street  
7 apartments?  
8 A. Between one and thirty blocks, maybe.  
9 Q. Okay. Was it closer to one or closer to  
10 thirty?  
11 A. I don't remember the exact -- how many blocks  
12 it was. It was between one and thirty I'd say, give or  
13 take.  
14 Q. Do you recall when that arrest was in  
15 conjunction with Mr. Torain's arrest? In other words,  
16 was it five minutes later, ten minutes later?  
17 A. It was after Torain's arrest, I don't know  
18 the exact time.  
19 Q. Why was that individual arrested?  
20 A. He was one of Monaghan's targets I believe  
21 that was out on Master Street.  
22 Q. Were you directed to arrest him?  
23 A. I was.  
24 Q. By who?

11 (Pages 175 to 178)

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1 A. Officer Monaghan.  
2 Q. Was anyone with you at that arrest?  
3 A. I was by -- I was in my own car. I believe  
4 Officer Walker was in another car, and then I believe  
5 there was a uniformed Sergeant that may have been  
6 there.  
7 Q. Who was that sergeant?  
8 A. I have no idea.  
9 Q. Could it have been Corporal Sinclair?  
10 A. He wouldn't have been in uniform, so no.  
11 Q. Could it have been Sergeant Gesner?  
12 A. I just stated that person was in uniform.  
13 Gesner and Sinclair wouldn't have been in uniform, to  
14 the best of my recollection.  
15 Q. Okay. So, all the officers that were worked  
16 this investigation, meaning the Torain investigation,  
17 were all plainclothes?  
18 A. Yes. And then that day that we were doing  
19 the warrants, I believe that there was uniform  
20 assistance at some point.  
21 Q. When Mr. Torain was arrested, you testified  
22 that you had two uniform officers transport him to, I  
23 guess, 55th and Pine.  
24 Is that correct?

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1 A. There was a marked unit that assisted with  
2 that arrest, yes.  
3 Q. Was there a uniform supervisor present during  
4 Mr. Torain's arrest?  
5 A. Not that I recall.  
6 Q. Now, let's go back to -- when Mr. Torain was  
7 arrested -- strike that.  
8 When he left the unit, is that when you  
9 picked up surveillance? And when I say "the unit," I  
10 mean 55th Street.  
11 A. That's when I followed him out of the area,  
12 yes.  
13 Q. Where were you located when you first picked  
14 up surveillance of him coming out?  
15 A. I don't recall. I don't recall where I was.  
16 Q. You were in a plain -- an unmarked car,  
17 correct?  
18 A. Correct.  
19 Q. So, you followed him approximately nine  
20 blocks, ten blocks before he was arrested?  
21 A. I stated before, I think it was between one  
22 and twenty blocks, yeah. I don't know exactly how many  
23 block it was.  
24 Q. Now, you knew the car he was driving, the

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1 green Pontiac Bonneville, plate number DKC-3310, when  
2 you were following him, right?  
3 A. (No audible response.)  
4 Q. You remember that, don't you?  
5 A. I didn't remember it.  
6 MR. GONZALES: What do you mean do you  
7 remember that? Remember that from when?  
8 BY MR. PILEGGI:  
9 Q. Do you remember that from the Freeman case,  
10 the same car of the individual that got away?  
11 A. Not at all.  
12 Q. You didn't recall that at all.  
13 MR. GONZALES: Hold on. Asked and  
14 answered.  
15 Now you're argumentative.  
16 BY MR. PILEGGI:  
17 Q. You didn't recall that at all.  
18 A. Not at all.  
19 THE WITNESS: Sorry.  
20 MR. GONZALES: That's okay.  
21 BY MR. PILEGGI:  
22 Q. Well, that was -- now that was -- the Freeman  
23 investigation was about four months before this  
24 investigation, correct?

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1 A. Correct.  
2 Q. All right. So, let's just recap a little  
3 bit.  
4 We have some of the same target houses  
5 as in the Freeman investigation as is in the Torain  
6 investigation, right?  
7 A. No.  
8 Q. You sure about that? 5507 Master.  
9 A. Monaghan was 5600 block.  
10 Q. Okay. Wasn't there some 5600 block of Master  
11 Street houses that were targeted in the Freeman?  
12 A. I don't believe so. No, it was only 5412 and  
13 55 -- 5412 Jefferson Street, and 5507 Master Street.  
14 Q. Okay. We know we have -- well, potentially  
15 we have the same person giving the information,  
16 correct?  
17 A. (No audible response.)  
18 MR. GONZALES: Objection. Same -- are  
19 you talking about the source?  
20 MR. PILEGGI: Yes.  
21 MR. GONZALES: Okay.  
22 Do you understand his question?  
23 MR. PILEGGI: -- concerned  
24 citizen.

12 (Pages 179 to 182)

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1 THE WITNESS: Right.  
2 MR. GONZALES: He already asked that.  
3 He already answered that. He said he didn't  
4 know.  
5 Asked and answered. Objection.  
6 THE WITNESS: I know who the concerned  
7 citizen was in the Freeman case, I don't know who  
8 Officer Monaghan's confidential source was. You'd  
9 have to ask Monaghan that.  
10 BY MR. PILEGGI:  
11 Q. And just so we're clear, AI was from the 16th  
12 District, correct?  
13 A. He was.  
14 Q. So, we have the same car, but you just don't  
15 recall that it was the same car, right?  
16 A. I do not. I didn't recall.  
17 Q. When did you become aware that that green  
18 Pontiac Bonneville, tag number DKC-3310, was the same  
19 car that was involved in the Freeman investigation?  
20 A. Yesterday, when Mr. Gonzales showed me a PARS  
21 Report.  
22 Q. So, the whole time you tried this Torain case  
23 it didn't dawn on you that it was the same car.  
24 A. Correct.

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1 Q. And just for the record, the black male  
2 Number 5 in the Freeman case was never apprehended,  
3 correct?  
4 MR. GONZALES: Objection, asked and  
5 answered.  
6 You can answer it again.  
7 THE WITNESS: Correct.  
8 BY MR. PILEGGI:  
9 Q. Now, going back to the Freeman case, do you  
10 recall going into the Defense Attorney's office with  
11 AI, so that AI could speak with the defense attorneys?  
12 A. I don't recall that.  
13 Q. Did you hear from anyone, US Attorney,  
14 defense attorneys, anyone involved in the case, that AI  
15 went, gave his name, was there for two minutes and ran  
16 out?  
17 A. I don't recall that.  
18 Q. And the US Attorney on that case was Curtis  
19 Douglas, correct?  
20 A. Correct.  
21 Q. And you had discussions with Mr. Douglas with  
22 regards to the investigation, correct?  
23 A. I'm sure we did.  
24 Q. And you had discussions with Mr. Douglas

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1 about the concerned citizen AI, correct?  
2 A. I'm sure we did.  
3 Q. Was there any concerns on Mr. Douglas' part  
4 about using AI in this -- in this investigation,  
5 Freeman investigation?  
6 A. You'd have to ask Mr. Douglas that.  
7 Q. No, I'm asking you.  
8 A. I don't know what Mr. Douglas thought.  
9 Q. Did he express any concerns to you that  
10 perhaps AI needed to be made a confidential informant?  
11 A. Not that I recall.  
12 Q. Do you recall any concerns from the court,  
13 the judge, when you were giving testimony about this  
14 concerned citizen?  
15 A. I don't recall.  
16 Q. And you were aware, when you were using AI as  
17 a concerned citizen, that he had already been convicted  
18 of a criminal offense.  
19 MR. GONZALES: Objection. You've asked  
20 him --  
21 MR. PILEGGI: -- asked and answered.  
22 MR. GONZALES: Yeah, you did, you asked  
23 him like three times.  
24 MR. PILEGGI: Well, he can --

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1 THE WITNESS: I don't know what AI was  
2 convicted of. As I say, you'd have to show me his  
3 criminal record.  
4 MR. PILEGGI: Okay. So, just at this  
5 juncture, I'm going to ask for the Master file of  
6 AI. We don't know what his name --  
7 BY MR. PILEGGI:  
8 Q. What was AI's name?  
9 A. I don't even recall what his name at this  
10 time.  
11 Q. You don't recall. Did you just know AI? Was  
12 it Alphonso?  
13 A. I just said I don't recall his full name.  
14 Q. Do you remember what AI's number was,  
15 confidential number?  
16 A. No.  
17 Q. Okay. But you used AI after he was made a  
18 confidential informant, correct?  
19 A. I don't recall if I used him or not.  
20 Q. And there would be vouchers -- when you made  
21 him a confidential informant, when you said that he  
22 probably wanted to get paid in the Freeman case, there  
23 would be a voucher memorializing that, correct?  
24 A. Correct. If he was indeed paid in the

13 (Pages 183 to 186)

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1 Freeman case.  
2 MR. PILEGGI: I would ask that the City  
3 provide me with that file.  
4 MS. TAYLOR: If I could just note, do  
5 you have Al's CI number?  
6 MR. PILEGGI: I'm sorry?  
7 MS. TAYLOR: Do you have Al's CI number?  
8 MR. PILEGGI: No, I don't  
9 have anything, actually.  
10 MS. TAYLOR: I will see -- I don't know  
11 what the retention period is on these documents.  
12 I will certainly investigate and see if I can  
13 locate anything.  
14 MR. PILEGGI: Well, I'm sure that the  
15 City can find that out. They have a Master  
16 file -- according to the policies procedures  
17 there's a Master file kept.  
18 MS. TAYLOR: So, I'm just saying I don't  
19 know what the retention period is, but. So,  
20 subject to that, it's now 20 years later.  
21 MR. PILEGGI: I just ask that they make  
22 an attempt.  
23 MR. GONZALES: It's 21 years later.  
24 MR. PILEGGI: Now, just for the record,

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1 answered.  
2 You already asked him that question.  
3 MR. PILEGGI: No, I didn't.  
4 MR. GONZALES: Yes, you did. Remember  
5 we had a back and forth --  
6 MR. PILEGGI: John, would you stop --  
7 MR. GONZALES: -- and you argued --  
8 MR. PILEGGI: Asked and answered.  
9 You can answer again.  
10 THE WITNESS: I believe I gave a  
11 statement in it, yes.  
12 BY MR. PILEGGI:  
13 Q. As well as the other officers involved in the  
14 case.  
15 MR. GONZALES: Objection. Asked and  
16 answered.  
17 You can answer that question again.  
18 THE WITNESS: Yes.  
19 MR. PILEGGI: Okay. I would ask that  
20 the City provide me with that -- those statements.  
21 And this is -- I will tell you what the number  
22 is... It is IA Number 05 -- well, there's two  
23 numbers here. I have 05, dash, 0640. And then  
24 it's 05, dash, 19, dash, 081989.

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1 there was a complaint filed by Mr. Freeman. We  
2 covered some of this --  
3 MR. GONZALES: 21 years and one month,  
4 just for the record.  
5 MR. PILEGGI: Say that again.  
6 MR. GONZALES: It's 21 years and one  
7 month since this job, the Freeman job.  
8 MR. PILEGGI: All right.  
9 MR. GONZALES: Just wanted the record to  
10 be clear.  
11 BY MR. PILEGGI:  
12 Q. There was a complaint filed by Mr. Freeman  
13 against you and other officers involved in his  
14 investigation.  
15 Do you recall that?  
16 MR. GONZALES: Objection.  
17 That was your first question today.  
18 Asked and answered.  
19 BY MR. PILEGGI:  
20 Q. Do you recall that?  
21 A. Correct.  
22 Q. All right. You had to give a statement to  
23 IAD?  
24 MR. GONZALES: Objection, asked and

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1 MS. TAYLOR: That second --  
2 MR. PILEGGI: It was a 2005.  
3 MS. TAYLOR: That second one sounds like  
4 a DC number. The first one sounds like an IA  
5 file.  
6 MR. PILEGGI: You know what, this is  
7 attached. I'll attach this whole thing as an  
8 exhibit, then you'll have it.  
9 MS. TAYLOR: So, just for the record,  
10 this is a Concise Officer History.  
11 MR. PILEGGI: I think that was attached  
12 to somebody else's.  
13 MR. GONZALES: Does it have a Bates  
14 number?  
15 MS. TAYLOR: It does not have a Bates  
16 number.  
17 MR. PILEGGI: I think it was Eric  
18 Spade's maybe.  
19 MS. TAYLOR: It's the Concise Officer  
20 History for Brian Reynolds. And it was run and  
21 it was printed on September 18th, 2013 by Armando  
22 Bergandy (ph).  
23 MR. PILEGGI: Let's just -- I'm going to  
24 mark it. I'll mark it, and then this way we'll

14 (Pages 187 to 190)

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1 have it.  
2 MS. TAYLOR: Just so you know, the IA  
3 Number is 05-0640 and, um --  
4 MR. PILEGGI: So, I'm going to request  
5 all the statements of all the officers in that  
6 particular Complaint.  
7 You know what, I'm just going to mark  
8 this so we have it for the record.  
9 Reynolds-7.  
10 \* \* \* \*  
11 (Reynolds Exhibit 7 was  
12 marked for identification.)  
13 \* \* \* \*  
14 MR. PILEGGI: And just for the record,  
15 this is a list of all the IAD Complaints, Internal  
16 Affairs Complaints made against Officer Reynolds.  
17 Okay. So moving on.  
18 BY MR. PILEGGI:  
19 Q. So, now, you recall giving a statement in the  
20 Freeman IAD matter.  
21 So, at that time was there any questions  
22 asked by the Internal Affairs with regards to the  
23 concerned citizen in that case, AI?  
24 A. I don't recall what questions were asked.

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1 Q. Now, again, because AI was made a  
2 confidential informant during the pendency of a case  
3 that you were lead investigator, you would have been  
4 responsible for bringing him in so that he could  
5 provide all the documentation that he needed to set up  
6 the CI file, correct?  
7 A. If I was the one that signed him up, yes.  
8 Q. And you don't recall that independently.  
9 A. I don't recall that.  
10 Q. But we do know he was signed up. There's no  
11 dispute right, that he was signed up doing the Freeman  
12 case?  
13 A. I don't know when he was signed up.  
14 MR. PILEGGI: Okay. Well, let's look at  
15 the transcript again.  
16 THE WITNESS: Is there a date?  
17 MR. PILEGGI: Take your time.  
18 MS. TAYLOR: Which page, Mike?  
19 MR. PILEGGI: Let's start with...  
20 I'm sorry, I didn't mark this. And  
21 I'm -- strike that whole question. I'm going to  
22 go and give you a different transcript. I'm going  
23 to leave the tabs in here, we can take these off  
24 to make it easier.

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1 If we could mark that as Reynolds-8.  
2 \* \* \* \*  
3 (Reynolds Exhibit 8 was  
4 marked for identification.)  
5 \* \* \* \*  
6 MS. TAYLOR: Can you just give me the  
7 date of the transcripts, because I don't think  
8 there's an extra copy.  
9 MR. PILEGGI: This is actually the  
10 Pretrial Motions Hearing, and it's November 8th,  
11 2001.  
12 All right. Officer, we'll  
13 (unintelligible) I struck the question.  
14 So, I want you to refer to Reynolds-8.  
15 And then let's just discuss a little bit about AI.  
16 If you could go to Page 34.  
17 Page 34, am I correct, and I'll give you  
18 a second to read it. Well, go -- why don't you  
19 read it first.  
20 \* \* \* \*  
21 (Document review.)  
22 \* \* \* \*  
23 THE WITNESS: Okay.  
24 BY MR. PILEGGI:

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1 Q. Okay. Now, I asked you previously whether  
2 you recall when AI gave you -- provided you with the  
3 information about what was contained in the Freeman  
4 investigation.  
5 Do you recall that?  
6 A. Correct.  
7 Q. Okay. What you just read on Page 34, does  
8 that refresh your recollection as to when AI contacted  
9 you with this information?  
10 A. Yeah. It says approximately a week, week and  
11 a half prior.  
12 Q. And just so we're clear, about a week and a  
13 half after he provided that information you and other  
14 officers went up to set up surveillance?  
15 A. Correct.  
16 Q. And why did you set up surveillance on that  
17 date?  
18 A. To verify the information that was given to  
19 me.  
20 Q. On Page 35 -- and this is -- just, again, for  
21 clarity sake, this was testimony before the court,  
22 before Judge Kelly. McGirk Kelly, correct?  
23 MR. GONZALES: I think it's Robert  
24 Kelly. Yeah, it's Robert F. Kelly.

15 (Pages 191 to 194)



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1 THE WITNESS: Correct.  
2 BY MR. PILEGGI:  
3 Q. Correct?  
4 A. Correct.  
5 MR. PILEGGI: Page 35, there's a whole  
6 discussion, if you want to take -- never mind.  
7 Take a second to read that.  
8 \* \* \* \*  
9 (Document review.)  
10 \* \* \* \*  
11 THE WITNESS: Okay.  
12 BY MR. PILEGGI:  
13 Q. Now, am I correct it was a -- an issue about  
14 the concerned citizen versus a confidential informant?  
15 A. I don't know if it was an issue. They asked  
16 me questions about it and they were answered.  
17 Q. And the con -- you did use, in this  
18 particular case, the Freeman case, you did use a  
19 confidential informant to make a buy, correct?  
20 A. Correct.  
21 Q. All right. So, again, for clarity's sake,  
22 Al, as the concerned citizen, was separate and distinct  
23 from the confidential informant at that point at  
24 least --

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1 A. Yes.  
2 Q. -- in the investigation. Okay.  
3 And do you see there where it says he  
4 later became a confidential informant?  
5 A. I do see that.  
6 Q. I'm sorry?  
7 A. I do see that, yes.  
8 Q. Okay. So, does that refresh your  
9 recollection that he was made -- went from a concerned  
10 citizen to a confidential informant during the pendency  
11 of -- and in the infancy of the Freeman case?  
12 A. It does.  
13 Q. Okay. Do you recall now the circumstances  
14 surrounding making Al a concern -- went from a  
15 concerned citizen to a confidential informant?  
16 A. He went from a concerned citizen to an  
17 informant, yes.  
18 Q. Do you recall your role in that?  
19 A. I don't. As I stated, I'm not sure -- I  
20 don't know if I was the one that signed him up or not.  
21 Q. But it's your testimony, correct?  
22 A. Correct, it is. So, I'm assuming -- I don't  
23 know because I don't have the paperwork, that I would  
24 have been the one to sign him up as an informant.

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1 Q. All right. So you were the lead  
2 investigator, right?  
3 A. Correct.  
4 Q. Al was -- provided you the information,  
5 correct?  
6 A. Correct.  
7 Q. You were the one giving the testimony at  
8 court, right?  
9 A. Correct.  
10 Q. You don't recall whether you were the one  
11 that signed him up or not?  
12 MR. GONZALES: Objection, asked and  
13 answered. That's argumentative. I mean, he  
14 already testified.  
15 BY MR. PILEGGI:  
16 Q. By the way, did anyone else -- do you recall  
17 any other officer in the investigation, I think it's  
18 Reynolds-6, the Affidavit, any other officer give  
19 testimony during the Freeman case?  
20 A. I don't recall.  
21 MR. PILEGGI: If you could go to Page  
22 36. And let me just -- I'm going to summarize it  
23 for you so we don't --  
24 BY MR. PILEGGI:

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1 Q. Am I correct that you gave testimony that you  
2 made notes with information provided by Al?  
3 A. Correct.  
4 Q. Contemporaneous notes, correct?  
5 A. Correct.  
6 Q. And then 37, Page 37 you said you threw the  
7 notes in the trash?  
8 A. Correct.  
9 Q. Is that normal procedure?  
10 A. Yeah, they're rough notes. And then like I  
11 stated, you take those notes and everything's put into  
12 the Affidavit. There's no procedure on keeping notes.  
13 Q. And what if the information in the Affidavit  
14 turns out to be incorrect, don't you have to refer to  
15 your notes to make sure that you got it right?  
16 A. Well, you would think everything in the  
17 Affidavit is correct, so.  
18 Q. You think. But we now know, from our last  
19 session, that dates and names and other issues are all  
20 incorrect in the Torain Affidavit, right?  
21 MR. GONZALES: Objection.  
22 Do you want him to go through the  
23 Affidavit and find out what's right and what's  
24 wrong?

16 (Pages 195 to 198)

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1 MR. PILEGGI: If he'd like. If he  
2 doesn't recall that testimony I'll be happy to --  
3 MR. GONZALES: This is argumentative.  
4 You're trying to get him to say that he should  
5 keep notes, okay.  
6 He's already testified that he doesn't  
7 keep notes.  
8 MR. PILEGGI: John --  
9 MR. GONZALES: He takes them, he  
10 transposes them to the report and he discards  
11 them. End of story.  
12 You can argue to the jury and to the  
13 court about whether that's appropriate or not, but  
14 it's not going to change the testimony or the  
15 facts.  
16 MR. PILEGGI: Mark that as Reynolds-9,  
17 please.  
18 \* \* \* \*  
19 (Reynolds Exhibit 9 was  
20 marked for identification.)  
21 \* \* \* \*  
22 MR. PILEGGI: Officer, I'm showing you  
23 what's been marked as Reynolds-9 for  
24 identification.

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1 Submit to you that that's the Affidavit  
2 in the Torain case.  
3 BY MR. PILEGGI:  
4 Q. And I asked you questions at the last  
5 deposition regarding this, correct?  
6 A. Correct.  
7 MR. PILEGGI: I'm going to ask you about  
8 your recollection of the actual deposition that we  
9 did on July 28th.  
10 THE WITNESS: Okay.  
11 BY MR. PILEGGI:  
12 Q. Do you recall we went through some of the  
13 dates, and the dates were all wrong?  
14 A. There was mistakes with dates, yes.  
15 Q. Do you recall that we went through some of  
16 the incidences that were reported in the Affidavit of  
17 Probable Cause that were wrong?  
18 A. I don't understand what you mean by  
19 "incidents".  
20 Q. Some of the factual bases that they used to  
21 get the probable cause in this Affidavit were wrong.  
22 A. Some of the facts were wrong?  
23 Q. Yeah.  
24 A. I don't remember anything like that.

Page 201

1 Q. Do you recall that some of the information  
2 that occurred was not put in this Affidavit of Probable  
3 Cause?  
4 A. I don't recall that, no.  
5 Q. Okay. And I recognize that you did not --  
6 you were not the one that drafted this Affidavit of  
7 Probable Cause, it was Monaghan, right?  
8 A. Correct.  
9 Q. Do you recall when I asked you about what you  
10 confiscated from Mr. Torain, and what was placed on the  
11 property receipt?  
12 A. Correct.  
13 Q. All right. And you testified that whatever  
14 you had -- whatever you confiscated from Mr. Torain you  
15 provided to Officer Monaghan, correct?  
16 A. Correct.  
17 Q. But you made it a point during that testimony  
18 to clarify that you did not confiscate a probation or a  
19 parole card that was on the property receipt, as  
20 provided in conjunction with the investigation in the  
21 Torain case?  
22 A. You made a point of it, and I said I don't  
23 remember recovering that from Torain.  
24 Q. Okay. But it was on the property sheet, we

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1 can agree to that, right?  
2 A. It's on the property receipt, correct.  
3 Q. And you don't recall that being confiscated  
4 from the vehicle when you arrested him right, because  
5 that would be the only place you could confiscate it,  
6 wouldn't it?  
7 A. Correct.  
8 Q. In other words, you didn't confiscate it --  
9 or another officer didn't confiscate it in 55 55th  
10 Street, right?  
11 A. I don't believe so. I don't know where that  
12 document came from, I stated that to you.  
13 Q. Okay. Let's talk about Conestoga. Now,  
14 there was testimony provided by Mr. Walker, who was  
15 your partner for years, correct?  
16 A. We worked together, yes.  
17 Q. And, in fact, you were notoriously known as  
18 Batman and Robin, right?  
19 A. Correct.  
20 Q. Who was Batman and who was Robin?  
21 A. You'd have to ask the street guys that.  
22 Q. You don't know what role you played?  
23 A. I believe I was Robin. They referred to me  
24 as Robin.

17 (Pages 199 to 202)

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1 Q. But you worked closely together, not only at  
2 the time of the Torain investigation, but you -- prior  
3 to that, years prior to that, right?  
4 A. We were coworkers, yes.  
5 Q. In fact, you worked in the 16th District  
6 together, correct?  
7 A. Correct.  
8 Q. With Monaghan, right?  
9 A. No.  
10 Q. Well, he was in the 16th District at the  
11 time, wasn't he?  
12 A. No.  
13 Q. He was not?  
14 A. Monaghan was in the 19th District.  
15 Q. Where was Monaghan from, if you know, before  
16 he came to the --  
17 A. He went to the -- he started in the 19th  
18 District, and then went to the Strike Force, and then  
19 came to the Field Unit.  
20 Q. Okay.  
21 A. That's not the 16th.  
22 Q. Now, you recall being present at Monaghan's  
23 deposition, correct?  
24 A. Correct.

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1 Q. And do you recall Monaghan testifying that  
2 the confidential source that he received detailed  
3 information from in the Torain case, and I'm referring  
4 to, um, Reynolds -- what is it 9, the Affidavit, um, he  
5 gleaned that information from an individual from the  
6 16th District that he knew when he worked there?  
7 A. I don't remember reading that.  
8 Q. And it's your testimony that a confidential  
9 source and a concerned citizen is one in the same.  
10 A. Basically, yes.  
11 Q. Well, no, what do you mean "basically"?  
12 Well, where does it differ?  
13 A. As I stated, it all depends on what wordage  
14 that officer who's providing in the Affidavit wants to  
15 use. They're basically the same. They're providing  
16 you with information, the officers are going out there  
17 and verifying the information that's provided. They're  
18 basically one in the other.  
19 Q. Okay. So, could an officer use a  
20 confidential informant instead of a confidential  
21 source?  
22 A. For what purpose?  
23 Q. It's one in the same. Or is it?  
24 A. It's not the same. Confidential informant is

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1 registered with the police department, they know the  
2 identity of that individual.  
3 MR. GONZALES: I'm going to object.  
4 We covered this for pages on the first  
5 day of Mr. Reynold's deposition.  
6 BY MR. PILEGGI:  
7 Q. Now, Officer, so, you were also present  
8 during Walker's deposition, correct?  
9 A. Correct.  
10 Q. Were you there all five days?  
11 A. I believe I was, yes.  
12 Q. You recall -- and you stated this previously,  
13 you recalled Officer -- former Officer Walker  
14 testifying that you, Monaghan, and Mr. Walker huddled  
15 up and decided how you were going to write the job up,  
16 right?  
17 Something to that extent, I'm  
18 paraphrasing the question.  
19 A. I remember there was testimony to that, yes.  
20 Q. Okay. And you recall Officer -- former  
21 Officer Walker testifying that, um, before they ever --  
22 Monaghan entered 55 55th Street with the key, there was  
23 officers already in there securing in the hallway.  
24 Do you recall that?

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1 MR. GONZALES: Objection. You said 55  
2 55th Street, that's --  
3 MR. GONZALES: No, 55th Street.  
4 THE WITNESS: I don't recall that, no.  
5 BY MR. PILEGGI:  
6 Q. Were there any officers -- when you arrived  
7 with the key to give it to Monaghan, were there any  
8 officers in the unit already?  
9 A. Not that I recall.  
10 Q. Do you recall who was at the scene when you  
11 gave the key to Officer Monaghan?  
12 A. As I stated, myself, Walker, Kelly,  
13 Monaghan. May have been other officers and a  
14 supervisor. I stated that numerous times.  
15 Q. So, then we now know that officers attempted  
16 to get into the unit to secure it, right?  
17 A. Correct.  
18 Q. An individual showed up, said he was the  
19 manager, said you could not enter without a warrant.  
20 Do you recall that?  
21 A. I don't know what that individual said, I  
22 didn't speak to him.  
23 Q. But you saw him talking, correct?  
24 A. I saw Kelly talking to somebody, yes. I

18 (Pages 203 to 206)

Page 207

1 don't know who --  
2 Q. Who was he talking to?  
3 MR. GONZALES: Wait. Let the witness  
4 answer the question. You interrupted him.  
5 Were you finished?  
6 THE WITNESS: No, I was not.  
7 I don't know what they were talking  
8 about, but I seen him talking to someone.  
9 BY MR. PILEGGI:  
10 Q. Who's "they"?  
11 A. Kelly.  
12 Q. Kelly and this individual?  
13 A. Correct.  
14 Q. Was there any other officer involved in that  
15 conversation?  
16 A. I don't recall if there was or not.  
17 Q. How far away were you when this discussion  
18 occurred?  
19 A. I don't recall how far away I was.  
20 Q. Okay. And after that, you do recall, though,  
21 yourself looking into the unit, right?  
22 A. I do.  
23 Q. Into the apartment, I should say.  
24 A. I do.

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1 Q. Okay. And I believe I asked you this, but  
2 I'm not sure, so bear with me.  
3 What was the basis of going into that  
4 particular apartment?  
5 MR. GONZALES: Objection, asked and  
6 answered.  
7 But you can answer it again.  
8 THE WITNESS: To secure the property.  
9 BY MR. PILEGGI:  
10 Q. No. I understand that, but why that  
11 property? Why Apartment 2 as opposed to Apartment 10  
12 or?  
13 A. Because Monaghan determined that was where  
14 Torain was.  
15 Q. Because Monaghan what, I'm sorry?  
16 A. Because that's where Monaghan wanted to go.  
17 He determined that that was the apartment that Torain  
18 was in.  
19 Q. Number 2?  
20 A. Correct. The apartment that --  
21 Q. Monaghan told you that?  
22 A. Well, he had the key to it, the key fit the  
23 door. The door was opened and the apartment was  
24 there.

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1 Q. But he didn't tell you, you were actually  
2 there, didn't he?  
3 A. I was there. I was observing that, yes.  
4 Q. In fact, you gave him the key.  
5 A. Correct.  
6 Q. Going back to Walker's testimony, he  
7 testified that you and him went back to 1621 Conestoga  
8 Street, where Mr. Torain was seen leaving to go to 55th  
9 Street earlier that day.  
10 A. I don't remember him testifying to that.  
11 Q. Well, I'm asking you, do you recall going to  
12 1621 Conestoga Street and entering that unit without a  
13 warrant?  
14 A. I did not go to 1621 Conestoga Street.  
15 Q. You did not.  
16 A. I did not.  
17 MR. PILEGGI: Okay. Make this  
18 Reynolds-10.  
19 \* \* \* \*  
20 (Reynolds Exhibit 10 was  
21 marked for identification.)  
22 \* \* \* \*  
23 MR. PILEGGI: All right. Officer  
24 Reynolds, I want to show you what's been marked as

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1 Reynolds-10 for identification.  
2 And I will submit to you that that's an  
3 Affidavit from Carolyn Torain, who is the mother  
4 of, um, Kareem Torain, the individual you  
5 arrested.  
6 THE WITNESS: Okay.  
7 MR. PILEGGI: Do you want to take a look  
8 at it?  
9 THE WITNESS: I already read it.  
10 MR. PILEGGI: Time to review it.  
11 THE WITNESS: I already read it.  
12 MR. PILEGGI: You already read it.  
13 THE WITNESS: Yeah. When you just  
14 turned it over on Monday.  
15 MR. GONZALES: I'm just going to put  
16 an objection on the record that this document  
17 appears to be an Affidavit that was signed on  
18 January 23rd, 2017 by plaintiff's mother.  
19 It was never been produced by plaintiff  
20 in -- as part of Rule 26, self-disclosures, nor  
21 was it attached to any response to any request for  
22 production of documents.  
23 For the first time I was provided with  
24 this Affidavit after day one of the deposition of

19 (Pages 207 to 210)



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1 my client.  
2 MR. PILEGGI: When were you provided  
3 it, though? You were provided days ago, right?  
4 MR. GONZALES: Yes. After you attempted  
5 to take my client's deposition.  
6 MR. PILEGGI: And I would just submit to  
7 you that there has been a stay in this case for, I  
8 don't know, probably close to six years. Let's  
9 say, imposed by the defendants, not plaintiffs.  
10 So, couldn't have been produced.  
11 MR. GONZALES: I'm sorry, the case was  
12 lifted -- was it still in a stay when my client  
13 was deposed?  
14 MR. PILEGGI: There was a stay --  
15 MR. GONZALES: You tried to depose my  
16 client while the case was stayed?  
17 MR. PILEGGI: No. It was a stay imposed  
18 since 2015.  
19 MR. GONZALES: Right. And then it came  
20 out of stay and you didn't produce this document.  
21 MR. PILEGGI: Could not have provided  
22 it though, that's I'm trying to explain to you.  
23 MR. GONZALES: You couldn't provide  
24 this before my client's deposition in August.

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1 MR. PILEGGI: I didn't ask him anything  
2 about the deposition, he walked out.  
3 MR. GONZALES: It doesn't matter. The  
4 fact is you could have and you didn't.  
5 MR. PILEGGI: Go ahead.  
6 MR. GONZALES: And that will be a topic  
7 for something later.  
8 MR. PILEGGI: Did I ask any questions  
9 about Conestoga before he walked out?  
10 MR. GONZALES: It doesn't matter.  
11 MR. PILEGGI: Sure it does.  
12 MR. GONZALES: You had relevant evidence  
13 in your possession that you failed to disclose.  
14 MR. PILEGGI: Okay. I want to read you  
15 some of this deposition. I'm sorry, the  
16 Affidavit.  
17 It says on -- this is Paragraph 2. On  
18 Thursday, January 4th, 2001, I was present in my  
19 home at 1621 North Conestoga Street, Philadelphia,  
20 Pennsylvania, with my one child, Tameka Torain,  
21 and her friend L.B. Sometime in the afternoon my  
22 son, Kareem Torain, came home and went upstairs to  
23 his room. He was in the room for about 20 minutes  
24 before he went out of the house again.

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1 BY MR. PILEGGI:  
2 Q. Now, just -- let's put this in perspective.  
3 Mr. Torain was followed from Master  
4 Street in a green Pontiac Bonneville by Officer Walker,  
5 correct?  
6 A. Correct.  
7 Q. At least according to the Affidavit.  
8 A. Correct.  
9 Q. All right. Were you also part of that  
10 surveillance?  
11 A. No, I stated I picked him up once he exited  
12 Conestoga Street.  
13 Q. Where were you before you picked him up  
14 coming out of Conestoga?  
15 A. I don't recall where I was.  
16 Q. So, the first time you spotted that green  
17 Bonneville, or my client, was when he came out of  
18 Conestoga Street?  
19 A. Yes.  
20 Q. Shortly thereafter my mother, Shirley Torain,  
21 who resided across the street from 1628 North 55th  
22 Street, called me and informed me that several police  
23 officers were going into 1628 North 55th Street.  
24 Does that sound like around the time

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1 when you had the key and went into 55th Street to try  
2 to search?  
3 A. I have no idea.  
4 Q. Well, does that make sense that there was  
5 several police officers, as you testified before, that  
6 went into 55th Street to attempt to get into Apartment  
7 2?  
8 MR. GONZALES: No, objection. He's not  
9 here to give his opinion about whether this  
10 Affidavit --  
11 MR. PILEGGI: I'm asking him his  
12 independent recollection, John.  
13 MR. GONZALES: No, no.  
14 MR. PILEGGI: Stop it.  
15 MR. GONZALES: Objection. I'm  
16 instructing him not to answer.  
17 MR. PILEGGI: Officer --  
18 MR. GONZALES: Whether --  
19 MR. PILEGGI: Are you instructing  
20 him not to testify?  
21 MR. GONZALES: No. He can answer  
22 factual questions --  
23 MR. PILEGGI: No --  
24 MR. GONZALES: You can't ask him an

20 (Pages 211 to 214)



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1 opinion about whether Mr. Torain's grandmom was  
2 accurate in her -- in her description.  
3 MR. PILEGGI: I didn't ask him that.  
4 MR. GONZALES: That's exactly what you  
5 asked.  
6 MR. PILEGGI: I asked him isn't that  
7 around the same time that police officers went to 55th  
8 Street to try to gain entrance.  
9 MR. GONZALES: Objection. There's no  
10 time on here, other than sometime in the  
11 afternoon.  
12 MR. PILEGGI: He can say he doesn't  
13 know.  
14 John, please stop it.  
15 MR. GONZALES: The question's  
16 ridiculous.  
17 MR. PILEGGI: Respectfully, stop.  
18 MR. GONZALES: Yeah, respectfully.  
19 MR. PILEGGI: You're being disruptive.  
20 MR. GONZALES: I think producing an  
21 Affidavit after -- you know, after day one of  
22 my client's deposition --  
23 MR. PILEGGI: Objection noted.  
24 Officer, you want to answer that

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1 question.  
2 THE WITNESS: Can you repeat it.  
3 MR. PILEGGI: Yes.  
4 BY MR. PILEGGI:  
5 Q. Is this around -- does this appear to be the  
6 same time that you and other fellow officers, including  
7 Monaghan, went to try to gain entrance into 55th Street  
8 without a warrant?  
9 A. I have no idea.  
10 Q. Okay. Do you know if there was any other  
11 activity at that house that day by police officers?  
12 MR. GONZALES: At what house?  
13 MR. PILEGGI: 55th Street.  
14 THE WITNESS: I have no idea.  
15 MR. PILEGGI: Okay. Approximately one  
16 hour after that call I was in my kitchen and my  
17 daughter, Tameka Torain, L.B., and another friend,  
18 Wanda Saunders, were all in the dining room.  
19 I walked out of my kitchen and saw two  
20 plainclothes police officers standing in the  
21 dining room. No one gave the officers consent  
22 to be in my house.  
23 One of the police officers was a white  
24 male, and the other was a tall black male with

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1 twisties on his head. I later identified the  
2 white police officer as Brian Reynolds, when I saw  
3 a photograph of him in the newspaper when he was  
4 later on trial.  
5 I identified the black officer as  
6 Jeffrey Walker, when I saw a photograph of him on  
7 Fox news after he was arrested.  
8 BY MR. PILEGGI:  
9 Q. By the way, Officer Walker at the time had  
10 twisties or cornrows, or I don't know how to refer to  
11 it. But he had the... Cornrows, correct?  
12 A. I don't recall what Walker had on his head.  
13 Q. You worked with him for years, you don't  
14 recall him having dreads?  
15 MR. GONZALES: Hold on. That's  
16 argumentative, he answered the question he doesn't  
17 recall.  
18 MR. PILEGGI: And I'm asking him a  
19 follow-up question.  
20 BY MR. PILEGGI:  
21 Q. You don't recall Officer Walker ever having  
22 dreadlocks?  
23 A. He had dreadlocks, I don't exactly recall  
24 what kind of hair style he had back here 20 years ago.

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1 MR. PILEGGI: Okay. Paragraph 7.  
2 Brian Reynolds was the first one to talk  
3 to me, and he stated that he was going to search  
4 my house. He did not state why he was going to  
5 search my house.  
6 8: Brian Reynolds then took me  
7 upstairs, and I observed him search the middle  
8 bedroom, which only had a desk with a computer on  
9 it. I observed Reynolds open the desk drawer and  
10 search the contents of the drawer. Nothing was  
11 confiscated from that drawer.  
12 We then proceeded into the front  
13 bedroom, which is my bedroom, and I observed  
14 Reynolds search my chest of drawers, and he pulled  
15 out an envelope addressed to my son, Kareem  
16 Torain. Reynolds confiscated the envelope. Why  
17 he was still in my bedroom searching, Reynolds  
18 observed a house arrest monitor box that was right  
19 next to my bed.  
20 When we walked down the hall to the back  
21 bedroom, which was my daughter Margaret  
22 Torain's bedroom. The bedroom door was locked,  
23 and Reynolds informed me that the door would have  
24 to be opened. I was afraid that he would break

21 (Pages 215 to 218)

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1 down the door, so I called my daughter Margaret,  
2 who was at work, to come home and open her bedroom  
3 door for the police. Margaret informed me that  
4 she would immediately leave work to come home.

5 Reynolds and I then went downstairs and  
6 saw Officer Walker, my daughter Tameka, and her  
7 friend Wanda talking in the dining room. I did  
8 not see L.B. at the time.

9 Reynolds then stated to me that my son  
10 was going back to jail. He also asked me how my  
11 other son made out with his case with the girl. I  
12 knew he was referring to my first cousin's son,  
13 Miguel Moon, who was charged with sexual assault  
14 of a minor not too long after the search. I'm  
15 sorry, not long before this search.

16 Within minutes Reynolds received a  
17 telephone call on his cell phone. I heard  
18 Reynolds talking on the cell phone, but I do not  
19 remember what was discussed. Within seconds he  
20 terminated the call, and Reynolds and Walker then  
21 abruptly walked out of my house.

22 My daughter Margaret Torain arrived  
23 after the police left. I never gave consent for  
24 the police to search my house. No one at my house

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1 even though it's on a property receipt.

2 A. Correct.

3 Q. Do you believe that another police officer  
4 confiscated it somewhere along the way?

5 A. I have no idea.

6 Q. Okay. And you were required, by the policies  
7 and procedures, that anything that's confiscated, any  
8 kind of contraband, or any kind of identification, has  
9 to be placed on a property receipt, right?

10 A. Correct.

11 Q. You complied with that. You made sure -- and  
12 this was your arrest, you made sure that whatever was  
13 confiscated was placed on the property sheet, right?

14 A. Correct. And the stuff that I confiscated --

15 Q. Even though --

16 MR. GONZALES: Wait. Let him answer the  
17 question.

18 MR. PILEGGI: Okay.

19 THE WITNESS: And the stuff that I  
20 confiscated from Kareem Torain was placed on a  
21 property receipt.

22 BY MR. PILEGGI:

23 Q. Okay. Even though before you placed it on  
24 the property receipt, you took the key and you gave it

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1 that day gave consent for police to search. I was  
2 never shown or given a search warrant.

3 Reynolds confiscated the letter  
4 addressed to my son, Kareem Torain. Later that  
5 evening a relative called to inform me that my son  
6 Kareem Torain had been arrested earlier that day.

7 I want take you back to Paragraph 18.  
8 It says: I was never shown or given an arrest  
9 warrant. Reynolds confiscated the letter  
10 addressed to my son, Kareem Torain.

11 BY MR. PILEGGI:

12 Q. Does that refresh your recollection as to  
13 where you got that parole card?

14 A. Not at all, because I was never in Conestoga  
15 Street.

16 Q. So, you don't recall the parole card, or  
17 probation card being in the -- confiscated when you  
18 arrested him in the car, you were the arresting  
19 officer, right?

20 A. Correct.

21 Q. And you don't recall it being confiscated in  
22 the house, right?

23 A. Correct.

24 Q. But you don't know where it was confiscated,

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1 to Monaghan so that you could go into the unit, right?

2 MR. GONZALES: Wait a minute. Wait a  
3 minute, you lost me.

4 MR. PILEGGI: Did I lose him?

5 MR. GONZALES: I'm going to ask the  
6 court reporter to just read back the question.

7 \* \* \* \*  
8 (The requested portion of  
9 the record was read.)  
10 \* \* \* \*

11 MR. GONZALES: Objection to the form of  
12 the question.

13 You can answer it if you understand it.

14 THE WITNESS: Correct. At some point  
15 the key was given to Monaghan for the property to  
16 be secured on 55th Street.

17 BY MR. PILEGGI:

18 Q. At what point? Before it was placed on the  
19 property receipt, correct?

20 A. Correct. We don't carry property receipts on  
21 the street to type them up right there.

22 Q. And at some point we know that a probation or  
23 parole card was confiscated by someone, right?

24 A. Correct.

22 (Pages 219 to 222)

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1 Q. And that was placed on the property sheet.  
2 A. Correct.  
3 Q. We just don't know who confiscated it.  
4 A. Correct.  
5 Q. And Ms. Torain -- according to Ms. Torain,  
6 you were in her house and you confiscated that card.  
7 A. Well, she said an envelope. What -- this  
8 whole Affidavit is lies. I never even went to  
9 Conestoga Street.  
10 Q. Okay. All right. And Officer Walker, former  
11 Officer Walker, also testified that he was with you  
12 when you both went over to Conestoga Street to search,  
13 correct?  
14 A. I don't remember testimony like that. Do you  
15 have it to show me?  
16 Q. But if he said that that would be a lie?  
17 A. Do you have it to show me?  
18 Q. Officer.  
19 A. You'd have to ask Officer Walker that.  
20 Q. If he testified to that would that be a lie?  
21 A. Yes.  
22 Q. Okay. So, Ms. Mr. Torain lied and he lied.  
23 A. Correct.  
24 Q. All right. But you don't know where you got

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1 the card.  
2 A. I don't know where that card came from.  
3 MR. GONZALES: He said he didn't even  
4 know if he got the card. He didn't get the card.  
5 BY MR. PILEGGI:  
6 Q. Now...  
7 THE WITNESS: Can we take a bathroom  
8 break?  
9 MR. GONZALES: Yes.  
10 \* \* \* \*  
11 (There was a break  
12 taken in the deposition.)  
13 \* \* \* \*  
14 MR. GONZALES: Before we go back, or  
15 while we're back on the record, I spoke to the  
16 witness. I think something needs to be clarified,  
17 because you keep saying when you prepared the  
18 property receipt, as if the witness prepared the  
19 property receipt.  
20 Officer, did you physically prepare the  
21 property receipt of the items that you recovered  
22 from Mr. Torain?  
23 THE WITNESS: I don't believe I did, no.  
24 MR. GONZALES: Okay.

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1 BY MR. PILEGGI:  
2 Q. Officer, now there was a... There was a  
3 Federal investigation with regards to your actions as a  
4 police officer, um, some time ago, correct?  
5 A. There was.  
6 Q. Do you know if there's any pending  
7 investigations?  
8 A. I have no idea.  
9 Q. Have you ever been notified that you're a  
10 target of an investigation?  
11 A. I have not.  
12 Q. Are you sure?  
13 A. Positive.  
14 Q. You don't recall Judge Steinman opening up  
15 investigation with the US Attorney's Office in  
16 conjunction with witness intimidation?  
17 A. I have no idea.  
18 Q. Well, you were in the courtroom when we were  
19 doing is Officer Walker's deposition, weren't you?  
20 A. I was.  
21 Q. As well as your fellow officers: Officer  
22 Liciardello, Officer Norman, Spicer -- Spizer, right?  
23 A. Correct.  
24 Q. And you don't recall the judge opening up an

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1 investigation with the US Attorney's Office for  
2 intimidation of witnesses?  
3 A. I remember something came up about an  
4 intimidation of a witness. I don't remember -- I don't  
5 know if there's an investigation or not.  
6 MR. GONZALES: First of all, that was  
7 not this witness. And, second, that's not what  
8 Judge Steinman said.  
9 MR. PILEGGI: Yes, it was.  
10 MR. GONZALES: No, it was not.  
11 MR. PILEGGI: It was all the  
12 defendants.  
13 MR. GONZALES: No.  
14 MR. PILEGGI: All right. Whatever -- I  
15 asked him if he recalled.  
16 MR. GONZALES: Yeah, but you're  
17 putting --  
18 MR. PILEGGI: He doesn't recall.  
19 MR. GONZALES: Yeah, but you're putting  
20 stuff as if it's in a record somewhere that is  
21 not accurate.  
22 MR. PILEGGI: It is. There's a court  
23 order, John.  
24 BY MR. PILEGGI:

23 (Pages 223 to 226)

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1 Q. Do you recall that?  
2 A. I recall something about a witness  
3 intimidation. I don't know if there's an investigation  
4 or not.  
5 Q. Okay. Do you recall the judge issuing an  
6 order for the FBI to investigate all the defendants  
7 potential intimidation of witnesses?  
8 A. I don't recall that, no.  
9 Q. Okay. But, nevertheless, there was an  
10 investigation years ago which culminated into, um,  
11 charges being brought by the Federal government against  
12 yourself and fellow officers.  
13 A. Correct.  
14 Q. Do you recall if any of your co-defendants,  
15 or any of the officers that were in Torain case?  
16 A. I don't believe so.  
17 Q. How about in the Kelly case -- I'm sorry, in  
18 the Freeman case?  
19 A. I don't believe so.  
20 Q. Okay. Do you recall, or do you know if a  
21 fellow officer that you worked with in the past,  
22 Reginald Graham, was part of that investigation,  
23 provided information to the Federal government with  
24 regards to what he believed were some of the nefarious

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1 practices that you and your fellow officers were  
2 engaged in?  
3 A. I know he spoke to the Feds.  
4 Q. You know he what?  
5 A. I know he spoke to the Feds.  
6 Q. Do you know if he wore a wire on you?  
7 A. I believe at one point he did -- not on me,  
8 he did wear a wire, though.  
9 Q. Who did he wear a wire on?  
10 A. I believe it was conversations he had with an  
11 Officer Williams and Clahar (ph). To the best of my  
12 recollection.  
13 Q. Okay. And you learned that in the  
14 conjunction of the prosecution against you by the  
15 Federal government?  
16 A. In the discovery that we got, yes, it was in  
17 there.  
18 Q. And some of that investigation was with  
19 regards to what they believed was falsifying documents,  
20 perjured testimony, et cetera?  
21 A. Yes.  
22 Q. And, of course, you beat that case, right?  
23 MR. GONZALES: Objection.  
24 When you say "beat that case," what

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1 do you mean, found innocent?  
2 MR. PILEGGI: Okay, John.  
3 BY MR. PILEGGI:  
4 Q. You were exonerated by a jury.  
5 A. I was found not guilty on a 48-count  
6 indictment, yes.  
7 Q. You did not testify in that case, did you?  
8 A. I did not.  
9 Q. Nor did any -- well, one of the officers did,  
10 Officer Spicer?  
11 A. Yes.  
12 Q. Do you recall your fellow former officer,  
13 Batman, Jeffrey Walker testifying against you?  
14 A. I do.  
15 Q. And he testified about all the money that not  
16 only he stole, but you stole along with him, as well as  
17 your fellow officers?  
18 A. All his testimony was a bunch of lies.  
19 Q. Yes. But do you recall him testifying that  
20 as a group, as a working group on different cases, you  
21 stole repeatedly?  
22 A. I do.  
23 Q. You lied repeatedly.  
24 MR. GONZALES: The way that's going to

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1 come in the record is did he lie.  
2 Does he recall Walker testifying  
3 that he lied.  
4 MR. PILEGGI: That's what I'm saying.  
5 THE WITNESS: I do recall that, yes.  
6 BY MR. PILEGGI:  
7 Q. Okay. And you recall a parade of witnesses  
8 coming forward and saying that? And when I say "you,"  
9 I mean you and your co-defendants lied, stole, beat  
10 people.  
11 A. There was testimony to that, yes.  
12 Q. Do you recall working with Reginald Graham?  
13 A. At one point we did work together, yes.  
14 Q. In fact, it was a case that I tried against  
15 you, and I believe it was in 2004, against the  
16 Randles.  
17 Do you recall that case?  
18 A. I recall the name, yeah. I don't remember  
19 the particulars about the case.  
20 Q. Do you recall there was a judgment against  
21 you before it was reversed on appeal?  
22 A. I don't remember. I don't recall.  
23 Q. You did testify at that case, correct?  
24 A. I don't recall if I did or not.

24 (Pages 227 to 230)



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1 Q. Anyway, Reginald Graham was involved in the  
2 Randle case, along with yourself.  
3 He was a co-defendant at that time,  
4 correct?  
5 A. Okay.  
6 Q. Is that your --  
7 MR. GONZALES: Do you recall?  
8 THE WITNESS: I don't recall -- yeah, he  
9 could have been. I don't recall exactly who  
10 was -- he was involved in case with me or not.  
11 BY MR. PILEGGI:  
12 Q. He later provided the Federal government with  
13 evidence, at least from his perspective, that you,  
14 Walker, and Liciardello were dirty cops, and he didn't  
15 want to work with you?  
16 A. I don't recall exactly what he told the  
17 Federal government, but I do remember -- I think there  
18 was a statement in there that he never saw us do  
19 anything wrong. I don't recall though, it's been a  
20 while since I've looked at that Discovery or even read  
21 it.  
22 Q. And it's your testimony --  
23 A. I don't recall exactly what he said -- told  
24 the FBI.

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1 Q. Okay. Do you know when he went in to the FBI  
2 and talked to them?  
3 A. I have no idea.  
4 Q. Was he ever called as a witness at the  
5 Federal case against you?  
6 A. He was not.  
7 Q. At some point in 2005 you actually sued  
8 myself.  
9 A. Correct.  
10 Q. You, Liciardello, Walker, and Reginald  
11 Graham, right?  
12 A. I believe -- I know me and Liciardello. I'm  
13 not sure about the other two.  
14 Q. And at that time, doing that prosecution of  
15 that civil case, that you were asking for money damages  
16 against me as an attorney, someone was hired by your  
17 defense team to wear a wire on me.  
18 A. There was an investigator that was hired,  
19 yes.  
20 Q. And you sued me in the capacity as police  
21 officers, correct?  
22 A. Yes.  
23 Q. In other words, you didn't sue me as a  
24 civilian Brian Reynolds, you sued me as Police Officer

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1 Brian Reynolds, right?  
2 MS. TAYLOR: Objection.  
3 MR. GONZALES: I'm going to object.  
4 MR. PILEGGI: To what?  
5 MR. GONZALES: That's a legal  
6 conclusion and --  
7 MR. PILEGGI: John. All right --  
8 MR. GONZALES: It's a legal conclusion.  
9 He may or he may not know.  
10 MR. PILEGGI: You're right.  
11 MR. GONZALES: That's a question for his  
12 attorney, really.  
13 MR. PILEGGI: It's okay. It's okay.  
14 Do it this way. Mark that as 11,  
15 Reynolds-11.  
16 \* \* \* \*  
17 (Reynolds Exhibit 11 was  
18 marked for identification.)  
19 \* \* \* \*  
20 MR. PILEGGI: You've been shown what's  
21 been marked as Reynolds-11.  
22 BY MR. PILEGGI:  
23 Q. Do you know what that is?  
24 A. Correct.

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1 Q. What is it?  
2 A. It's the lawsuit that was filed.  
3 Q. It's the Complaint that you filed against me,  
4 correct?  
5 A. Yes.  
6 Q. And in that Complaint there's allegations  
7 that I lied about cases that I brought against your  
8 team where I said, on behalf of my clients, that you  
9 were stealing, falsifying documents, beating people,  
10 correct?  
11 A. Correct.  
12 Q. What's the caption say?  
13 A. (No audible response.)  
14 Q. In other words, what's your name? What's it  
15 say?  
16 A. Police Officer Brian Reynolds.  
17 Q. Okay. So, you brought this case in the  
18 capacity as police officer, not as Brian Reynolds  
19 civilian, right?  
20 MR. GONZALES: Objection.  
21 MS. TAYLOR: Objection.  
22 MR. GONZALES: Just because the caption  
23 says that it doesn't mean that that's how he's  
24 suing you.

25 (Pages 231 to 234)



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1. You can laugh all you want.  
2. MR. PILEGGI: All right. Fine.  
3. BY MR. PILEGGI:  
4. Q. There's allegations in that Complaint by the  
5. plaintiffs; yourself, Officer Liciardello, Officer  
6. Walker, and Officer Graham, that states that I was  
7. lying when I brought cases against you as a police  
8. officer because you were lying, stealing, and beating  
9. people, right?  
10. MR. GONZALES: What? Objection.  
11. You can answer if you understand that.  
12. THE WITNESS: I don't understand it.  
13. Remember, I don't even know what this  
14. thing says. I haven't seen that in years.  
15. MR. PILEGGI: So, it's --  
16. MR. GONZALES: Hold on a second. Mike,  
17. really, seriously, what is the point of all this?  
18. MR. PILEGGI: John, I'll get to the  
19. point if you let me.  
20. MR. GONZALES: That'd be great.  
21. MR. PILEGGI: Okay. Thank you.  
22. BY MR. PILEGGI:  
23. Q. Is that correct, Officer?  
24. A. If that's what it says.

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1. Q. It says Police Officer Reynolds.  
2. MR. GONZALES: He already admitted  
3. that.  
4. BY MR. PILEGGI:  
5. Q. Did you get permission to file a Complaint  
6. against an attorney who was bringing civil rights  
7. complaints against you for stealing, lying, and beating  
8. people?  
9. A. Get permission from who?  
10. Q. From anybody.  
11. A. This was -- this was the lawsuit that was  
12. filed.  
13. Q. Did you get any -- did you get any approval  
14. from your supervisors?  
15. A. They were aware of it.  
16. Q. How do you know?  
17. A. We told them about it.  
18. Q. Who did you tell?  
19. A. I believe it was Officer Chester McCowski  
20. (pH).  
21. Q. Okay. And was he your -- was he your  
22. Sergeant at the time?  
23. A. I don't recall.  
24. Q. Okay. Well, I would submit to you wasn't

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1. he -- stopped being your sergeant when you were moved  
2. out of the unit and Officer -- I mean, Sergeant  
3. McCowski became your Sergeant at that time?  
4. A. I don't recall who my Sergeant was.  
5. Q. Well, let me ask you this. Am I correct  
6. then, at some point they took you off the street,  
7. When I say "took you off the street,"  
8. meaning you could not do any police work. You were  
9. confined to the headquarters to do administrative work.  
10. MR. GONZALES: Objection. You already  
11. asked him this in day one of his deposition.  
12. MR. PILEGGI: No, I did not.  
13. MR. GONZALES: You can answer it again,  
14. but, yeah, you did.  
15. THE WITNESS: Yes, I was taken off the  
16. street.  
17. BY MR. PILEGGI:  
18. Q. For how long?  
19. A. I don't recall.  
20. Q. And you were taken off the street, Officer  
21. Liciardello was taken off the street, and Officer  
22. Walker, right?  
23. A. No.  
24. Q. No?

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1. A. It was just myself and Liciardello.  
2. Q. Officer Walker was not?  
3. A. Was not.  
4. Q. How about Officer Graham?  
5. A. Was not.  
6. Q. Okay. While you were off the street -- by  
7. the way, how long was that for?  
8. A. I don't recall.  
9. Q. Over a year?  
10. A. I don't recall.  
11. Q. Okay. When were you put back on the street?  
12. A. I don't recall.  
13. Q. Where were you when you were off the street?  
14. A. We were assigned to our headquarters.  
15. Q. Which was where?  
16. A. 7801 Essington Ave.  
17. Q. Okay. And what were you doing? What were  
18. your duties at that time?  
19. A. We were just assigned to desk duty.  
20. Q. What does that mean, what were your duties?  
21. A. We would go to the office and sit at a desk  
22. for eight hours.  
23. Q. Did you do any police work?  
24. A. If officers came in with jobs and they needed

26 (Pages 235 to 238)

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1 help processing paperwork, maybe we helped them process  
2 paperwork or do in and odd jobs for them. Not exactly  
3 sure what I did. Sat there.  
4 Q. But you were not allowed to do any  
5 Affidavits, right?  
6 A. Correct.  
7 Q. You were not allowed to testify, right?  
8 A. I'm not sure if we testified or not during  
9 that period. I don't recall if we did or not.  
10 Q. Is it similar to what your duties are now, as  
11 administrative?  
12 A. Um, no, I'm just administrative personnel  
13 now.  
14 Q. Well, were you --  
15 A. If I seen a crime in front of me, a robbery  
16 per se, I can take action.  
17 Q. Okay. Could you do that when you were taken  
18 off the street back when you were suing me?  
19 A. No.  
20 Q. You could not make arrest.  
21 A. No.  
22 Q. Why?  
23 A. I was assigned to desk duty.  
24 Q. I understand that, but why?

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1 A. (No audible response.)  
2 Q. There had to be a reason, right?  
3 A. Well, I believe I still had my weapon, so it  
4 was just assigned to desk duty while Internal Affairs  
5 investigated all the complaints that you made.  
6 Q. Okay. So, it's your testimony that you were  
7 placed on desk duty while Internal Affairs  
8 investigated?  
9 A. Yes.  
10 Q. Okay. Do you know if Internal Affairs was  
11 the only one investigating?  
12 A. I don't know that.  
13 Q. How about IMPACT?  
14 A. I heard through the grapevine later on that  
15 there was IMPACTS that -- checks that were done on us,  
16 which we passed, but I never got any paperwork saying  
17 that.  
18 Q. How about the Feds?  
19 A. Feds did do a check on us and we passed.  
20 Q. And while you were --  
21 A. Turned every -- every cent that was taken off  
22 the undercover, was placed on a property receipt.  
23 Q. So, as you were on desk duty, taken off the  
24 street, that's when you hired a private investigator to

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1 wear a wire on me, right?  
2 A. I don't recall at which point the  
3 investigator was hired.  
4 Q. Who hired him?  
5 MR. GONZALES: Hold on for a second.  
6 I'm going to object.  
7 What relevance does this have --  
8 MR. PILEGGI: John, stop. This is a  
9 deposition.  
10 MR. GONZALES: -- to Mr. Torain's --  
11 MR. PILEGGI: Quit it, quit it, please.  
12 MR. GONZALES: Don't tell me to quit it.  
13 MR. PILEGGI: Yeah, I am.  
14 MR. GONZALES: You got to give me  
15 something here.  
16 MR. PILEGGI: I don't have to give you  
17 anything, I'm deposing someone. If he doesn't  
18 understand, or if he doesn't think it's relevant,  
19 then he can choose not to answer.  
20 MR. GONZALES: Right. But Rule 30 says  
21 it has to be -- it has to be relevant --  
22 MR. PILEGGI: John, I'm not --  
23 MR. GONZALES: -- and not --  
24 MR. PILEGGI: I don't have to tell

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1 you --  
2 MR. GONZALES: And not designed to  
3 harass a witness.  
4 MR. PILEGGI: Officer, okay.  
5 MR. GONZALES: You're asking him  
6 questions about --  
7 MR. PILEGGI: Objection --  
8 MR. GONZALES: -- a civil lawsuit from  
9 2005.  
10 MR. PILEGGI: Yes.  
11 MR. GONZALES: Okay. That is not  
12 related to Mr. Torain's case. I don't see the  
13 link to a Menel Claim. I don't see a link to  
14 this case, that's all. Other than you have a --  
15 you know, there's some issue that you have with  
16 the Off -- a personal issue, and it's -- and  
17 you're trying to get in, you know, to question him  
18 about.  
19 But if there's something relevant, I'd  
20 like you to ask the relevant questions so we can  
21 be finished here.  
22 MR. PILEGGI: Well, does he want to  
23 answer that, or should we read back the  
24 record.

27 (Pages 239 to 242)

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1 THE WITNESS: Read back the record,  
2 please.  
3 MR. PILEGGI: Okay.  
4 \* \* \* \*  
5 (The requested portion of  
6 the record was read.)  
7 \* \* \* \*  
8 MR. PILEGGI: You know what, strike that  
9 question, I'll rephrase it.  
10 BY MR. PILEGGI:  
11 Q. Officer, wasn't it about the time that you  
12 were taken off the street that this investigator was  
13 hired to wear a wire on me?  
14 A. I don't recall when the investigator was  
15 hired.  
16 Q. Who hired the investigator?  
17 A. It would have been probably us, through our  
18 attorneys.  
19 Q. No, I don't want probably --  
20 A. I don't recall.  
21 Q. Okay. Was it -- do you recall if you did  
22 that?  
23 A. I don't recall.  
24 Q. Who's Russell Coleman?

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1 A. I believe that's the investigator.  
2 Q. How did you know him?  
3 A. I don't recall.  
4 Q. Who made the decision to wear a wire on an  
5 attorney?  
6 A. I don't recall.  
7 Q. Okay. And you did that in conjunction while  
8 you were a police officer, right?  
9 A. I was a police officer at the time, yes.  
10 Q. And, in fact, this individual, this  
11 Mr. Kolins, the investigator --  
12 A. I believe it was Russel Collins, too.  
13 Q. Russell Kolind. He actually wore a wire  
14 twice, right?  
15 A. I don't recall how many times he wore a  
16 wire.  
17 Q. As a police officer, you know that, at least  
18 in the State of Pennsylvania, that you have to have  
19 permission of all parties to record a conversation,  
20 right?  
21 A. Yeah. But I believe the conversation he had  
22 with you was in Jersey, correct, which is different.  
23 Q. No. No. Officer, I'm asking you a different  
24 question.

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1 You know in the State of Pennsylvania,  
2 in order to have a conversation and record it you must  
3 have both parties consents -- or all party's consents.  
4 A. I believe there is something like that. I  
5 never had wire tap training to know the exact specifics  
6 about it.  
7 Q. And am I correct that one of the wires that  
8 was -- or one of the times that I was recorded was in  
9 Pennsylvania, wasn't it?  
10 A. I don't know when you were recorded.  
11 Q. Okay. Did you inform the investigator not  
12 to -- not to wear a wire, or not to record somebody in  
13 Pennsylvania unless you get their permission?  
14 A. I didn't inform the investigator nothing.  
15 Q. Was that information ever used in conjunction  
16 with the lawsuit against me?  
17 A. I couldn't even tell you.  
18 Q. What do you mean, you don't recall?  
19 A. I don't recall.  
20 Q. But you were doing it to use it in  
21 conjunction with the lawsuit against me, right?  
22 A. It was done. I don't remember what it was  
23 used for, though.  
24 Q. Do you know if the FOP was involved in this

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1 lawsuit? Bankrolled it?  
2 A. No, I don't believe they did. But they  
3 knew -- they were aware of it.  
4 Q. Who paid for the lawyer?  
5 A. Myself and Liciardello. I'm not sure if  
6 Graham or Walker paid any money. But, yes, it was  
7 myself and Liardello.  
8 Q. And do you know when the recordings were  
9 done?  
10 A. (No audible response.)  
11 Q. In other words, were you still off the  
12 street, or were you back on the street?  
13 A. I don't recall when they were done.  
14 MR. PILEGGI: Well, let's refresh your  
15 recollection. Okay. I believe we're at 12.  
16 \* \* \* \*  
17 (Reynolds Exhibit 12 was  
18 marked for identification.)  
19 \* \* \* \*  
20 MR. PILEGGI: I'm going to show you  
21 what's been marked as --  
22 MR. GONZALES: No, I'm going to read it  
23 first. This has never been produced in discovery  
24 and -- it has been, I apologize. This is from,

28 (Pages 243 to 246)

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1 um...  
2 MR. PILEGGI: Did you really say that,  
3 John?  
4 MR. GONZALES: I just looked at the --  
5 MR. PILEGGI: Saying I didn't produce  
6 it?  
7 MR. GONZALES: No. I looked at it for  
8 the first time. I have not reviewed this. I have  
9 not seen it. It bears a marking that says that  
10 our firm produced it.  
11 MR. PILEGGI: Thank you.  
12 MR. GONZALES: But I have not reviewed  
13 this, because it's not relevant to this case. But  
14 I'm going to look at it now. And once I review  
15 it, then you can ask questions to my client.  
16 MR. PILEGGI: Why was it produced if it  
17 wasn't relevant?  
18 \* \* \* \* \*  
19 (Document review.)  
20 \* \* \* \* \*  
21 MR. GONZALES: Let's step out.  
22 We're going to take 10.  
23 MR. PILEGGI: Wait a minute, there's a  
24 pending question.

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1 MR. GONZALES: What's the question?  
2 MR. PILEGGI: Are you kidding me?  
3 MR. GONZALES: No, I'm not kidding you.  
4 What's the question?  
5 MR. PILEGGI: There's a pending  
6 question.  
7 \* \* \* \* \*  
8 (The requested portion of  
9 the record was read.)  
10 \* \* \* \* \*  
11 MR. GONZALES: So, we're going to take a  
12 break.  
13 \* \* \* \* \*  
14 (There was a break taken  
15 in the deposition.)  
16 \* \* \* \* \*  
17 MR. PILEGGI: Mark this 13.  
18 \* \* \* \* \*  
19 (Reynolds Exhibit 13 was  
20 marked for identification.)  
21 \* \* \* \* \*  
22 MR. PILEGGI: Let's go back.  
23 MS. TAYLOR: Can I just ask that these  
24 be described, because I don't have them, either by

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1 reference to Bates range or contents, that would  
2 be helpful.  
3 MR. PILEGGI: Okay. All right.  
4 I had marked, before we went on break,  
5 two... Wires, for the lack of a better word, two  
6 recordings where the investigator that you hired  
7 for your -- you and your fellow plaintiffs hired  
8 to record myself as, 12 and 13?  
9 THE REPORTER: Yes.  
10 MR. GONZALES: Reynolds-12 is Bates  
11 Number MDWNFU 1040 thru 1052. And Exhibit  
12 Reynolds-13 is Bates number MDWNFU 950 thru 968.  
13 MS. TAYLOR: Are these dated?  
14 MR. GONZALES: Yes.  
15 MR. PILEGGI: And what are they, 12  
16 and 13, respectively?  
17 THE REPORTER: Yes.  
18 MR. PILEGGI: Let's start with --  
19 MR. GONZALES: For the record, so  
20 that -- Reynolds-13 is dated 3/10/05.  
21 MR. PILEGGI: And what's that, 12?  
22 MR. GONZALES: And Reynolds-12 does not  
23 appear to have a date on it.  
24 MS. TAYLOR: Thank you.

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1 MR. GONZALES: Okay.  
2 MR. PILEGGI: Let's go back to  
3 Reynolds-13. Your attorney just stated the date.  
4 BY MR. PILEGGI:  
5 Q. Just state the date for the record again.  
6 A. It's 3/10/05.  
7 Q. Okay. You were still off the street then,  
8 weren't you?  
9 A. I don't recall if I was off the street or  
10 not.  
11 Q. Well, let me refresh your recollection.  
12 Do you recall going back on the street  
13 in May?  
14 A. I don't recall when I was taken off the  
15 street, the time frame, and when I went back on the  
16 street.  
17 Q. But you were off for about a week, correct?  
18 A. I was off longer than a week.  
19 Q. Okay. I'm sorry, a year.  
20 A. Yeah. I'm not sure how long it was.  
21 Q. Are you aware that at some point doing this  
22 litigation Officer Liciardello, your partner, one of  
23 your partners, followed me to my home?  
24 A. I wasn't aware of that, no.

29 (Pages 247 to 250)

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1 Q. You never heard that.  
2 A. I may have heard it.  
3 Q. Okay. Well --  
4 A. I had no personal knowledge if that was done  
5 or not.  
6 Q. If that was the case, if he followed me to my  
7 home, that would be illegal, wouldn't it?  
8 A. You'd have to ask Officer Liciardello that.  
9 Q. No, I'm asking you.  
10 A. I don't know. You'd have to ask him that.  
11 Q. Are you aware that there was threats made to  
12 myself during the pendency of that lawsuit?  
13 A. I'm aware of that.  
14 Q. You didn't make any threats, right?  
15 A. No, I had no need to.  
16 Q. Did you hear Officer Liciardello had an  
17 encounter with me at the Criminal Justice Center?  
18 Threatened me.  
19 A. I did not.  
20 Q. You never heard that?  
21 A. I may have. I don't remember if I did or  
22 not.  
23 Q. That would be illegal, won't it?  
24 A. You'd have to ask Officer Liciardello that.

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1 Q. That would be intimidation of a witness,  
2 wouldn't it?  
3 A. You'd have to ask Officer Liciardello that.  
4 Q. No, I'm asking you. As a police officer can  
5 you threaten a civilian, let alone an attorney, who is  
6 on the other side of a lawsuit that you sued?  
7 A. I would never do that.  
8 Q. I know. Of course you wouldn't, but would it  
9 be illegal?  
10 A. I think there would be some problems with it,  
11 yeah.  
12 Q. Okay. And there was some evidence that  
13 during the pendency of these NFU cases, 400 or so cases  
14 against you and some of your co-defendants, when Judge  
15 Diamond ordered an investigation that was based on,  
16 again, witness intimidation, right?  
17 MR. GONZALES: I'm going to object again.  
18 Judge Diamond did not order an  
19 investigation.  
20 MR. PILEGGI: Are you sure about that,  
21 John?  
22 MR. GONZALES: I am positive. And I  
23 talked to Joe Santarone, who was present at the  
24 time. I've read the transcript --

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1 MR. PILEGGI: You weren't there, right?  
2 MR. GONZALES: I read the transcript,  
3 and Judge Diamond warned the witnesses not to  
4 engage in any threatening behavior, or he would  
5 report them to the appropriate authorities.  
6 And Mr. Santarone acknowledged it, and  
7 said he would with speak to his clients to ensure  
8 that it didn't happen, and said that he was not  
9 aware of the incident in question. So, yes.  
10 MR. PILEGGI: Since you were not there,  
11 did you see the order that he issued?  
12 THE WITNESS: No.  
13 MR. GONZALES: There was no order  
14 directing the FBI --  
15 MR. PILEGGI: There was an order, John.  
16 Before you make an objection -- please,  
17 I want you to state the facts right. There was an  
18 order.  
19 MS. TAYLOR: Do you have a copy?  
20 MR. GONZALES: Yeah.  
21 MR. PILEGGI: I do not with me, but I  
22 will certainly get it to you. I will get it to  
23 you. But the officer recalls, he was there.  
24 MR. GONZALES: No, he said he recalls

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1 portions of it, but he didn't recall the details.  
2 And he didn't recall an order that directed the  
3 FBI --  
4 MR. PILEGGI: All right. Let me be --  
5 MR. GONZALES: -- to conduct an  
6 investigation.  
7 MR. PILEGGI: Let me refresh his  
8 recollection.  
9 MR. GONZALES: Whether he did or not, I  
10 don't know what relevance it is to Mr. Torain's  
11 lawsuit.  
12 BY MR. PILEGGI:  
13 Q. You would agree that witness intimidation by  
14 a police officer is a criminal offense. Correct?  
15 A. Correct. If it's investigated and that's  
16 what they determine it to be, yes.  
17 Q. Okay. Do you recall an incident that you  
18 were disciplined for when you -- yourself, Officer  
19 Reynolds, and Officer Liciardello jumped out of a  
20 vehicle doing the pendency of a case that I represented  
21 individuals against you, where they were threatened --  
22 those individuals were threatened?  
23 A. I was disciplined for something like that,  
24 yes.

30 (Pages 251 to 254)



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1 Q. Or even an admon -- even if it was an oral  
2 warning.  
3 A. I don't recall anything like that. Not  
4 saying that --  
5 Q. Do you recall the incident?  
6 A. I do not.  
7 Q. Do you recall testifying at a hearing  
8 where -- before the Honorable Norman Shapiro.  
9 Do you recall that?  
10 A. I do not.  
11 Q. You don't recall any cases before Judge  
12 Shapiro.  
13 A. I recall cases, I don't recall testifying  
14 about witness intimidation.  
15 Q. You don't recall several individuals; Samuel  
16 DePriest, there's a whole list of individuals who  
17 testified?  
18 A. I don't -- I recall --  
19 Q. That they were threatened --  
20 A. I recall something the DePriest case --  
21 Q. -- by yourself -- let me finish the  
22 question.  
23 Do you recall several individuals, who I  
24 represented, who were suing you who said they were

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1 threatened by you during the pendency of their case?  
2 A. I remember something along sorts coming up.  
3 I don't recall which individual, which cases they  
4 were. If I testified or anything like that.  
5 MR. PILEGGI: Okay. We already marked  
6 this, but I'm going to mark it again. I know this  
7 is a duplicate, but I think it was already marked  
8 as Reynolds-4, but it was in the other  
9 deposition.  
10 So, let's mark this as -- also as  
11 Reynolds-13. But I am putting on the record --  
12 MR. GONZALES: You already have 13.  
13 THE REPORTER: 13 or 14?  
14 MR. PILEGGI: I'm sorry, 14. I'd also  
15 place on the record that it's also Reynolds-4.  
16 \* \* \* \*  
17 (Reynolds Exhibit 14 was  
18 marked for identification.)  
19 \* \* \* \*  
20 MR. PILEGGI: Officer, I'm showing you  
21 what's been marked as Reynolds-14. Which, again,  
22 is also marked as Reynolds-4.  
23 This is an Affidavit from your former  
24 co-defendant, former partner, Jeffrey Walker. And

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1 this was an Affidavit that I presented and  
2 marked at the last deposition, and I attempted to  
3 ask you questions on before you left.  
4 MR. GONZALES: Well, you asked him and  
5 then I adjourned the deposition because, again,  
6 this had not been produced prior to his  
7 deposition. Even though it appears to have been  
8 signed back in 2017.  
9 MR. PILEGGI: All right. Duly noted.  
10 I want to you ask you some questions  
11 about this.  
12 According to former Police Officer  
13 Walker, and I'm going to refer you to Page 2,  
14 Paragraph 11.  
15 By the way, this was an Affidavit that  
16 was produced in conjunction with the Freeman  
17 case. An appeal by Dennis Freeman.  
18 Paragraph 11 says: I am personally  
19 involved in the facts leading to the execution of  
20 the search warrants, arrest, and prosecution of  
21 Dennis Freeman and other individuals involved and  
22 associated with Dennis Freeman in the  
23 investigation (unintelligible) in 2000.  
24 And just to refresh your recollection,

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1 this was the same Dennis Freeman where you were  
2 lead investigator and where AI was used.  
3 Correct?  
4 THE WITNESS: Yes.  
5 MR. PILEGGI: All right. Paragraph 12:  
6 I have recently had the opportunity to review the  
7 Affidavit of Probable Cause, as well as the trial  
8 testimony of myself and the testimony of Brian  
9 Reynolds given at the criminal trial of Dennis  
10 Freeman. One of my partners in that investigation  
11 was Brian Reynolds.  
12 BY MR. PILEGGI:  
13 Q. That's correct, right?  
14 A. Yes.  
15 Q. In other words, Officer -- former Officer  
16 Walker was involved in that investigation, wasn't he?  
17 A. He was.  
18 MR. PILEGGI: Brian Reynolds was the  
19 lead investigator in the investigation that led to  
20 Dennis Freeman's arrest and subsequent  
21 prosecution, and was also the police officer that  
22 initiated the investigation after obtaining  
23 information from a quote, concerned citizen, end  
24 of quote.

31 (Pages 255 to 258)

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1 Brian Reynolds gave false testimony  
2 about the concerned citizen, because the concerned  
3 citizen was actually an individual that Brian  
4 Reynolds and I had used several times prior to  
5 the Freeman investigation as an unregistered  
6 informant.

7 BY MR. PILEGGI:

8 Q. Is that a true statement?

9 A. I don't know if he was used prior to the  
10 Freeman investigation or not. And he's not an  
11 unregistered -- well, he is an unregistered informant,  
12 because he's a concerned citizen at that time.

13 Q. Well, you said you used him several times.  
14 So, you just don't recall --

15 A. I don't --

16 Q. Let me finish the question. You just don't  
17 recall whether he was used prior to the Freeman case or  
18 subsequent.

19 Is that so?

20 A. Correct. I don't know what cases he was  
21 actually used on or not.

22 Q. Okay. How about the fact that he said you  
23 gave false testimony?

24 A. I didn't give no false testimony.

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1 MR. GONZALES: That the, um -- the  
2 Affiant allegedly reviewed prior to signing the  
3 Affidavit that you attached to a pleading in a  
4 case.

5 And I've asked you to produce it, and  
6 you still have been produced it.

7 MR. PILEGGI: You have it though,  
8 correct?

9 MR. GONZALES: No, I do not.

10 MR. PILEGGI: You had it for --

11 MR. GONZALES: No, you didn't produce  
12 the transcript of the trial. You produced  
13 yesterday --

14 MR. PILEGGI: I asked -- I didn't  
15 ask him that --

16 MR. GONZALES: -- pretrial motions  
17 here.

18 MR. PILEGGI: I didn't ask if he lied at  
19 the trial, John. Please listen to the questions.

20 MR. GONZALES: That's what the Affidavit  
21 says.

22 MR. PILEGGI: I asked him if you  
23 falsified any testimony at trial.

24 That would include a motion, wouldn't

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1 Q. He's lying?

2 A. Where's the false testimony at?

3 Q. Is he lying?

4 A. Yeah, I did not give false testimony. Yes,  
5 he has to be lying.

6 Q. Well, you did testify in the case, correct?

7 A. I did.

8 Q. In fact, that's marked as exhibits, right?

9 A. Correct.

10 Q. So he's lying?

11 MR. GONZALES: Well, he already answered  
12 that he is. And, secondly, I don't know -- what  
13 you produced, I don't know if this is the entire  
14 transcript of the trial. What you produced and  
15 what has been marked as Reynolds-8 and Reynolds-5  
16 appear to be just pretrial motions hearing, and  
17 another hearing.

18 So, this -- this Affidavit that  
19 you've produced, um, in which I think you were  
20 representing Mr. Freeman at the time, you  
21 haven't provided us with copies of the trial  
22 transcript.

23 MR. PILEGGI: You've said that five  
24 times.

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1 it, Officer. When you testify you testify under  
2 oath, don't you?

3 THE WITNESS: Correct. And I did not  
4 provide false testimony.

5 BY MR. PILEGGI:

6 Q. Did you give false testimony in the pretrial  
7 motion?

8 A. No.

9 Q. That would be illegal wouldn't it?

10 A. Correct.

11 Q. That would be perjury.

12 A. Correct.

13 Q. That would be punishable by criminal offense,  
14 wouldn't it?

15 A. Correct.

16 Q. By the way, I mentioned before that this case  
17 was tried by Curtis Douglas, right?

18 A. I believe he was the AUSA, yes.

19 Q. And you had to meet with Douglas in prep,  
20 correct, for the trial?

21 A. I believe we met, yeah. I don't recall  
22 exactly how many times.

23 Q. And he had to deal with this issue about the  
24 concerned citizen that's in the pretrial motion, right?

32 (Pages 259 to 262)

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1 A. It came up. I don't know what you mean by he  
2 had to deal with it.  
3 Q. Well, he had to deal with that issue with the  
4 court, if there was an issue?  
5 A. Yeah. If there was an issue, yes, that would  
6 be him that would deal with it.  
7 Q. And he was aware that you made Al a  
8 confidential informant after the case -- during the  
9 pendency of the case, right?  
10 MR. GONZALES: Objection to the form.  
11 You can answer.  
12 THE WITNESS: I'm not sure what he was  
13 aware of or not.  
14 BY MR. PILEGGI:  
15 Q. You testified to that, didn't you?  
16 A. Correct. I did testify to it, so I'm pretty  
17 sure he was aware of it then, yes.  
18 Q. And this is the same Curtis Douglas that also  
19 dealt with Reginald Graham when he was wearing a wire  
20 on you guys and saying that you were dirty cops and --  
21 correct?  
22 A. I don't know what discussions him and  
23 Reginald Graham.  
24 Q. Well, you were aware that Mr. Graham --

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1 former Police Officer Graham, went to Curtis Douglas,  
2 who in turn took him to the FBI, and that's how  
3 Mr. Graham started providing information to them,  
4 correct?  
5 A. I heard he talked to Curtis Douglas. I don't  
6 know exactly what they talked about or where he took  
7 him.  
8 Q. Right. Curtis Douglas was also at some point  
9 a District Attorney, correct?  
10 A. I believe so, yes.  
11 Q. And he was also the head of the  
12 Accountability -- Integrity and Accountability, right?  
13 Who investigates police officers.  
14 A. I'm not sure if he was or not. I know he was  
15 a District Attorney, though, over there, as a boss, I'm  
16 not sure what his title was.  
17 Q. You're aware that Mr. Douglas gave testimony  
18 in another case, another NFU case, Narcotics Field Unit  
19 case, that you may or may not have been involved in,  
20 but your partners were, right?  
21 A. I don't recall what he gave testimony in.  
22 MR. PILEGGI: It says: I have recently  
23 had the opportunity to review the Affidavit of  
24 Probable Cause, as well as the trial testimony of

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1 myself, and the testimony of Brian Reynolds, given  
2 at the criminal trial of Dennis Freeman. One of  
3 my partners in that investigation was Brian  
4 Reynolds.  
5 Brian Reynolds was the lead investigator  
6 in the investigation that led to Dennis Freeman's  
7 arrest and subsequent prosecution. Was also the  
8 police officer who initiated the investigation,  
9 after obtaining information from a concerned  
10 citizen. Brian Reynolds gave false testimony  
11 about the concerned citizen, because the  
12 concerned citizen was actually an individual that  
13 Brian Reynolds and I had used several times prior  
14 to Freeman's investigation as an unregistered  
15 informant.  
16 BY MR. PILEGGI:  
17 Q. So, does that refresh your recollection of  
18 what Mr. Walker said, your ex-partner, said about the  
19 use of Al while he was a concerned citizen in other  
20 investigations?  
21 A. I have no idea what he means by that.  
22 MR. PILEGGI: Brian Reynolds also failed  
23 to disclose that the individual was personally  
24 involved in the investigation, and several other

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1 other investigations when he assisted us in  
2 conducting surveillances, permitted us to use the  
3 vehicle for stakeouts, and gave Brian Reynolds  
4 information on other drug dealers so that he could  
5 take over their drug locations when they were  
6 arrested.  
7 BY MR. PILEGGI:  
8 Q. Is that true?  
9 A. That's all false.  
10 Q. That's false. He lied.  
11 A. Yes.  
12 MR. PILEGGI: Brian Reynolds and I used  
13 this unregistered informant, who was known to us  
14 as Al, described as a light-skinned black male  
15 with curly dark hair, wearing eye glasses, and who  
16 resided at the 16 District in the area of 41th and  
17 Ogden Streets on numerous occasions, while Officer  
18 Reynolds and I were detailed to the 16th  
19 District.  
20 BY MR. PILEGGI:  
21 Q. Is that a fair description of Al?  
22 A. Best of my recollection Al wasn't black, Al  
23 was Spanish.  
24 Q. Well, he said light-skinned.

33 (Pages 263 to 266)

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1 A. He said light-skinned black.  
2 Q. Okay. But other than that did he have curly  
3 dark hair?  
4 A. I don't recall color. It was dark hair,  
5 yeah. I don't remember it being curly, though. It may  
6 have been.  
7 Q. Did he wear glasses?  
8 A. He did wear glasses, yes.  
9 Q. Was he in -- from the 16th District?  
10 A. He was.  
11 Q. And did he -- did he live in the area, or  
12 work in the area of 41st and Ogden Streets?  
13 A. He did.  
14 Q. In fact, he had like some kind of a car shop,  
15 like where they fixed cars or something, or maybe  
16 fender-benders, I'm not sure.  
17 Is that correct?  
18 A. Yeah, he did -- he worked on cars, yes.  
19 Q. Okay. So, what Mr. Walker just said was  
20 correct.  
21 A. Some of it, yes  
22 MR. PILEGGI: All right. We rewarded Al  
23 for providing this information by giving him a  
24 free pass to continue to engage in his criminal

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1 activity.  
2 BY MR. PILEGGI:  
3 Q. Is that true?  
4 A. No. I never saw Al engage in criminal  
5 activity. If I did I would have arrested him.  
6 Q. Well, you were aware that Al was -- you said  
7 you were aware that he committed suicide while he was  
8 in prison, right?  
9 A. Correct.  
10 Q. In fact, he was involved in beating up his  
11 spouse or something?  
12 A. I wasn't sure -- I didn't know why Al was in  
13 prison.  
14 I said, if you'd show me his criminal  
15 record -- if you'd show me his criminal record I'd be  
16 able to tell you what he was arrested for.  
17 Q. We don't know what it is, because you  
18 evidently don't know the name or anything about him,  
19 right?  
20 A. I don't remember the name, yes.  
21 Q. Okay. And you would have --  
22 MR. GONZALES: Just for the record, you  
23 have an Affidavit from, um, Mr. Walker, who  
24 allegedly knows Al very well. So, you have access

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1 to get all the information you need on Al, with a  
2 person that you got information from in an  
3 Affidavit. You keep -- I mean, you keep acting  
4 like there's no way you can get this information.  
5 MR. PILEGGI: All right.  
6 BY MR. PILEGGI:  
7 Q. Officer, but as the officer, if you were the  
8 officer during the pendency of Freeman's case, that  
9 signed Al up as a confidential informant, you  
10 personally would have to do a background check and  
11 bring that to whoever was signing him up, right?  
12 A. Correct.  
13 Q. Okay.  
14 A. It would have been done. I don't have it  
15 now, so I can't tell you what he was locked up for. I  
16 don't recall.  
17 Q. So, at your last deposition, on July 28th,  
18 you did recall that Al had a criminal history. You  
19 said that.  
20 Do you recall saying that?  
21 A. I believe he was arrested before, yes. I  
22 don't know for what.  
23 Q. Okay. But you know that he had a criminal  
24 past, right?

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1 A. I believe he was arrested before, yes.  
2 Q. While you were using him in this case. When  
3 I say "this case," meaning the Freeman case.  
4 A. You mean while he provided me the  
5 information, yes.  
6 Q. Yes.  
7 A. Yes.  
8 Q. Okay.  
9 A. I believe he was arrested prior to this  
10 case. I'm not a hundred percent sure though, I don't  
11 recall.  
12 Q. And we know that he was arrested subsequent  
13 to this case as well, right?  
14 A. Yeah, I don't -- I don't know when he was  
15 arrested, excuse me.  
16 Q. Well, you said he was in jail. We're going  
17 to assume that he was arrested.  
18 A. Correct. He had to be arrested if he was in  
19 jail. I don't know for what, though.  
20 MR. PILEGGI: Al was known to us,  
21 Reynolds and myself, to have had a criminal  
22 history of drug dealing, robbing drug dealers, as  
23 well as being involved in shootouts with other  
24 drug dealers.

34 (Pages 267 to 270)



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1 BY MR. PILEGGI:  
2 Q. Does that refresh your recollection?  
3 A. I never saw Al deal drugs. I never saw him  
4 rob drug dealers, and I never saw him involved in  
5 shootouts.  
6 Q. So Walker made that up.  
7 A. I don't know what Walker made up, but I've  
8 never seen Al commit any of those crimes.  
9 Q. Was that a lie?  
10 A. Yeah, I would say unless I saw -- I don't  
11 know if it's a lie. I'd have to see his criminal  
12 record to see if he has a -- arrest record for drug  
13 dealing, robbing drug dealers, or robberies, as well as  
14 being involved in shootouts, which would be ag  
15 assaults.  
16 MR. PILEGGI: Brian Reynolds identified  
17 Al as a concerned citizen in the Freeman  
18 investigation in order to make his information  
19 more reliable or credible, and to appear that he  
20 was someone living in the neighborhood who was  
21 concerned about stopping drug activity.  
22 BY MR. PILEGGI:  
23 Q. Is that a lie?  
24 A. They're his words. I used him as a concerned

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1 citizen, yes.  
2 Q. I'm saying, is he -- is that incorrect?  
3 A. I don't understand what the investigation and  
4 order make information more reliable or credible. He  
5 gave me information, I went out and I verified the  
6 information he gave me.  
7 Q. If he had had a criminal history prior to  
8 Freeman, that would have been -- that would have been  
9 something that you would have to have informed Curtis  
10 Douglas, who was prosecuting the case, correct?  
11 A. (No audible response.)  
12 Q. In other words, if you were using someone  
13 that you deemed to be a concerned citizen who was  
14 really just a criminal, they weren't concerned at all,  
15 right?  
16 MR. GONZALES: Objection. Are you  
17 making a statement because he said he --  
18 MR. PILEGGI: No, I'm asking him a  
19 question.  
20 MR. GONZALES: -- didn't know --  
21 MR. PILEGGI: I asked him a question.  
22 MR. GONZALES: And what's the question?  
23 MR. PILEGGI: I just said it, John.  
24 MR. GONZALES: It made no sense.

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1 Objection. You can answer it if you  
2 understand it.  
3 THE WITNESS: I don't understand it.  
4 MR. PILEGGI: Of course he doesn't.  
5 All right. I'll say it again.  
6 BY MR. PILEGGI:  
7 Q. In other words, you were saying if you knew  
8 that Al had a criminal history prior to using him in  
9 the Freeman case, right?  
10 Do you understand that part so far?  
11 MR. GONZALES: If he knew --  
12 THE WITNESS: If I knew, I don't know if  
13 he did or not.  
14 BY MR. PILEGGI:  
15 Q. I'm just saying if you did, just keep it that  
16 way.  
17 A. Okay. Hypothetical, go ahead.  
18 Q. If you knew that he had a criminal history  
19 prior to using him in the Freeman case, and you  
20 informed the prosecutor that he was actually a  
21 concerned citizen and not just a criminal, you  
22 wouldn't --  
23 A. I don't understand that question.  
24 Q. All right. I'll rephrase it. Let me say it

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1 to you this way.  
2 A concerned citizen could not be someone  
3 who had a vast criminal background, could they?  
4 A. Sure they could.  
5 Q. They could. Under what -- under what  
6 policies is that?  
7 A. That's the wording I used, concerned  
8 citizen. It would either be a concerned citizen or a  
9 confidential informant.  
10 Q. Officer, pursuant to the policies and  
11 procedures of the police department, could you use a --  
12 designate someone a concerned citizen if they had a  
13 vast criminal history?  
14 A. If every -- listen, confidential sources get  
15 locked up all the time.  
16 Q. I'm not asking that. Answer the question.  
17 MR. GONZALES: Listen to his specific  
18 question.  
19 MR. PILEGGI: Go ahead.  
20 MR. GONZALES: Can you use confidential  
21 sources, identified that --  
22 MR. PILEGGI: No, I didn't say  
23 confidential source. I will ask the question.  
24 BY MR. PILEGGI:

35 (Pages 271 to 274)



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1 Q. Could you designate someone a concerned  
2 citizen if they have a long criminal history?  
3 A. Yes.  
4 Q. Okay. You could.  
5 A. There's no --  
6 Q. Don't you have to sign that individual --  
7 MR. GONZALES: Wait a minute, he's still  
8 asking you a question.  
9 THE WITNESS: -- policy on confidential  
10 sources or concerned citizen, become then.  
11 BY MR. PILEGGI:  
12 Q. So, you could use a confidential source, or a  
13 concerned citizen -- in other words, someone who is not  
14 signed up, who has a long criminal history.  
15 A. Correct. If they're providing you with  
16 information, yes. And then you would go out and verify  
17 that information.  
18 Q. Would you have to tell the prosecutor trying  
19 that case that this person has a long criminal history?  
20 A. If the prosecutor ask you and it comes up in  
21 prepping for that case, then yeah.  
22 Q. Did Curtis Douglas ask you?  
23 A. I don't recall.  
24 Q. But didn't the court ask you?

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1 A. If they did and if it's in there I'd have to  
2 see it.  
3 Q. Why do you have to see it, that's your  
4 testimony, isn't it?  
5 A. I don't recall what I testified to back in  
6 2000 --  
7 MR. GONZALES: His testimony was 20  
8 years ago. He doesn't remember.  
9 THE WITNESS: I don't recall. If it's  
10 in there it's in there.  
11 MR. PILEGGI: That's not what he said.  
12 Okay. But if you --  
13 THE WITNESS: If it's in there it's in  
14 there.  
15 MR. GONZALES: Let him answer.  
16 MR. PILEGGI: I'm asking a  
17 separate question, that's fine.  
18 BY MR. PILEGGI:  
19 Q. If you testified to that, again, another  
20 hypothetical, let's assume you testified to that.  
21 MR. GONZALES: To what?  
22 BY MR. PILEGGI:  
23 Q. To the fact that this -- AI was designated as  
24 a concerned citizen, but was actually a drug dealer, a

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1 robber, um, a wife beater, and whatever else, a drug  
2 dealer, would that be something that you would have to  
3 provide to the prosecutor?  
4 A. If it comes up during the prep sessions,  
5 yes.  
6 Q. And if in that deposition, or in that -- I'm  
7 sorry, transcript that there was a question about his  
8 criminal past, meaning AI's, did you provide --  
9 wouldn't you have to provide that information to the  
10 court?  
11 A. If there was a question asked of me I'd have  
12 to provide it, I'd have to see --  
13 Q. Isn't that why --  
14 MR. GONZALES: Wait. Let him answer the  
15 question.  
16 MR. PILEGGI: Okay. He did.  
17 THE WITNESS: I'd have to see the notes  
18 to see if there's a question asked of that. I  
19 don't recall what was asked of me or what I said  
20 back then.  
21 BY MR. PILEGGI:  
22 Q. And wouldn't you be required, if they had a  
23 long criminal history, to make that person -- sign them  
24 up, make them a confidential informant?

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1 A. No.  
2 Q. So, why did you make AI a confidential  
3 informant?  
4 A. I already told you, he probably wanted to --  
5 and I don't know this --  
6 Q. No, don't say probably --  
7 A. I don't know this --  
8 MR. GONZALES: Don't interrupt him. Let  
9 the witness answer his question.  
10 MR. PILEGGI: I want his independent  
11 recollection --  
12 MR. GONZALES: -- Because you asked a  
13 question --  
14 MR. PILEGGI: I don't want him to  
15 guess --  
16 MR. GONZALES: -- he started to answer  
17 it, you interrupted him. And you continuously  
18 have interrupted him for like the last 15  
19 minutes.  
20 Let him answer the question.  
21 MR. PILEGGI: I want him to --  
22 MR. GONZALES: Let him answer the  
23 question.  
24 MR. PILEGGI: -- guess, John, I want him

36 (Pages 275 to 278)

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1 to answer a question based on his personal  
2 recollection.

3 THE WITNESS: I don't have any  
4 recollection of why he was signed --

5 MR. PILEGGI: Okay. That's all I wanted  
6 to know.

7 Paragraph 18: Brian Reynolds and myself  
8 had no regard for AI's safety, and we knew that  
9 using him as an unregistered informant was in  
10 violation of the Philadelphia Police policies --  
11 police department policies and procedures in  
12 regards to handling of informants and sources of  
13 information.

14 We continued to use AI in this manner,  
15 from the time Reynolds and myself were assigned to  
16 the 16th District, and then for several years  
17 after we were transferred to the Narcotics Field  
18 Unit.

19 BY MR. PILEGGI:

20 Q. Just for clarification, the Freeman job was  
21 while you were in the Narcotics Field Unit, right?

22 A. Yes.

23 Q. Okay. So, according to Walker, you used AI  
24 on numerous occasions prior to the Freeman case.

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1 A. I don't recall if we did or not. You'd have  
2 to provide the jobs.

3 MR. PILEGGI: Okay. During the Freeman  
4 investigation I was present in an unmarked  
5 vehicle when Brian Reynolds received a telephone  
6 call from AI informing Reynolds that he had  
7 information about narcotic sales near AI's  
8 mechanic shop in West Philadelphia.

9 I was present later when Reynolds  
10 ordered AI to go to the area of Jefferson Street  
11 to identify Dennis Freeman.

12 BY MR. PILEGGI:

13 Q. Do you recall that?

14 A. I do not recall that.

15 Q. Well, it's in your Affidavit of Probable  
16 Cause.

17 A. I received the information yes. I don't  
18 recall how I got the information. And I ordered him to  
19 go to the area, why would I order him go to the area.

20 Q. Do you recall AI -- telling AI to come out to  
21 the -- to the location to identify Dennis Freeman?

22 A. I don't recall that. And I wouldn't do that,  
23 because I had the information --

24 Q. Well, it's in your Affidavit.

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1 A. Exactly. I had his name. I could go into  
2 the photo imager and pull his image up.

3 Q. You won't put it in the Affidavit if it  
4 wasn't true, right?

5 A. Correct.

6 Q. And my question to you, do you know why  
7 Walker would lie about any of this information?

8 A. Walker lied during this whole investigation.  
9 I have no idea why.

10 Q. Okay.

11 A. He lied all through the whole Federal  
12 investigation, too.

13 Q. He did.

14 A. He did.

15 MR. GONZALES: Hence, he's the only  
16 convicted felon out of all of these.

17 MR. PILEGGI: Is that a comment there,  
18 John?

19 MR. GONZALES: Yep.

20 MR. PILEGGI: I also witnessed AI's  
21 personal vehicle parked on Jefferson Street, with  
22 AI inside waiting for Reynolds to come to the  
23 vehicle.

24 BY MR. PILEGGI:

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1 Q. Is that true?

2 A. No.

3 Q. That's a lie.

4 A. Yes.

5 MR. PILEGGI: Our, Reynolds and other  
6 police officers involved in the investigation, and  
7 myself, intention was to steal money located  
8 in these houses if possible, and/or articulate,  
9 fabricate evidence to establish the probable cause  
10 needed to arrest and prosecute those individuals  
11 targeted in the investigation.

12 BY MR. PILEGGI:

13 Q. Is that true or a lie?

14 A. Lie.

15 Q. It's a lie. So, Walker's admitting that he  
16 stole money, along with yourself and other officers,  
17 and you're saying he's lying about that.

18 A. I never stole a thing.

19 Q. Okay. And you're aware that Walker, um,  
20 signed a K-5 letter, where he had to cooperate with the  
21 Federal government in the pending prosecution of  
22 yourself and other officers, correct?

23 A. Correct.

24 Q. That he had to tell the truth.

37 (Pages 279 to 282)

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1 A. Correct.  
2 Q. And if he didn't tell the truth he subjected  
3 himself to perjury and incarceration, correct?  
4 A. Correct.  
5 MR. PILEGGI: I was also present when  
6 Brian Reynolds met with Al out of the area of  
7 Jefferson Street and discussed Dennis Freeman and  
8 other individuals involved in the investigation,  
9 and heard Al tell Brian Reynolds that the  
10 individuals were selling a lot of drugs, and that  
11 they had a lot of money in their houses.  
12 BY MR. PILEGGI:  
13 Q. Is that true or false?  
14 A. I don't recall that happening.  
15 MR. PILEGGI: Okay. I was present when  
16 Reynolds requested that Al drive Reynolds, in Al's  
17 vehicle, to the Jefferson Street location so that  
18 Reynolds could hide in Al's van and surveil the  
19 block.  
20 BY MR. PILEGGI:  
21 Q. True or false?  
22 A. False.  
23 Q. You were in a van though, right?  
24 A. I don't remember what vehicle was. I was

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1 probably in one of our surveillance vehicles, so.  
2 Q. Well, probably again. I want you to --  
3 A. I don't recall what vehicle I was in.  
4 Q. Well, is there anything in the -- in the  
5 Affidavit of Probable Cause that would refresh your  
6 recollection as to how you were surveilling the green  
7 Pontiac, and the -- all the activity at Jefferson  
8 Street?  
9 A. No.  
10 Q. But you were the surveilling officer,  
11 correct?  
12 A. I was.  
13 Q. And you were the surveilling officer alone,  
14 correct. You didn't have a partner that day.  
15 A. Correct.  
16 MR. PILEGGI: I saw Reynolds get into  
17 the rear of Al's van, while Al drove to the block  
18 of Jefferson Street. Once on Jefferson Street, Al  
19 left the van, leaving Reynolds alone inside the  
20 van.  
21 After a period of time of surveillance,  
22 I saw Al come back to the van while Reynolds was  
23 still hiding in the van and driving away. And  
24 drove away.

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1 MR. GONZALES: No, and drive away.  
2 MR. PILEGGI: And drive away.  
3 THE WITNESS: False.  
4 MR. PILEGGI: False.  
5 THE WITNESS: False.  
6 MR. PILEGGI: I witnessed Brian Reynolds  
7 violating Philadelphia Police Policy in the  
8 Freeman investigation in handling sources of  
9 information, in using unregistered informants, and  
10 in failing to corroborate information given to him  
11 by Al.  
12 Brian Reynolds violated these policies  
13 and procedures in order to fabricate the probable  
14 cause needed to arrest and prosecute Dennis  
15 Freeman and other individuals involved in the  
16 Freeman investigation.  
17 BY MR. PILEGGI:  
18 Q. True or false?  
19 A. False.  
20 Q. You never fabricated anything, right?  
21 A. Nothing.  
22 Q. By the way, that was Freeman's Complaint  
23 wasn't it, that you made up information?  
24 A. I stated I don't know what Freeman complained

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1 about.  
2 Q. You give a statement in there. They --  
3 A. I did.  
4 Q. I'm sure IAD told you what you were being  
5 investigated for.  
6 A. I'm sure they did too. I don't remember. I  
7 don't recall what the Complaint or my answers were,  
8 sir. Thank you.  
9 MR. PILEGGI: During the pendency of  
10 Dennis Freeman's criminal trial Al was signed up  
11 as a confidential informant by Brian Reynolds,  
12 after questions were raised by Freeman's counsel  
13 at pretrial proceedings about the identity of the  
14 concerned citizen. As well as the reliability and  
15 trustworthiness of the information given by Al.  
16 BY MR. PILEGGI:  
17 Q. True or false?  
18 A. He was signed up, we know that, right.  
19 Q. Is that statement true or false?  
20 A. He was signed up. He did go from a  
21 confidential --  
22 Q. He says that you signed him up.  
23 Is that true or false?  
24 A. They're his words on what he says. But, he

38 (Pages 283 to 286)

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1 did go from a concerned citizen to a confidential  
2 informant.  
3 Q. We know that.  
4 A. Okay. Well, they're Walker's words.  
5 Q. Did you sign him up? He says that you signed  
6 him up.  
7 A. Because questions were raised --  
8 Q. After questions were raised --  
9 A. Not at all --  
10 Q. -- by Freeman's counsel at a pretrial  
11 proceeding, about the identify of the concerned  
12 citizen.  
13 A. Not at all.  
14 Q. And you don't remember Al going into the  
15 Defense Attorney's office and running out?  
16 A. I don't remember that at all.  
17 MR. PILEGGI: Okay. I was present when  
18 Brian Reynolds signed Al up as a registered  
19 informant so that there would be no inquiry into  
20 Reynolds' improper use of Al as a source of  
21 information.  
22 BY MR. PILEGGI:  
23 Q. True or false?  
24 A. Well, he was signed up, we know that. But I

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1 don't know about the -- I don't know what the improper  
2 use of Al was, so.  
3 Q. How about the fact that you signed him up as  
4 a registered informant?  
5 A. If you have paperwork to show me that I would  
6 be able to see that.  
7 Q. I didn't ask you that. Is it true or  
8 false?  
9 MR. GONZALES: He already testified he  
10 doesn't remember.  
11 MR. PILEGGI: He's arguing with me.  
12 THE WITNESS: I'm not arguing with you.  
13 BY MR. PILEGGI:  
14 Q. Is it true or false?  
15 MR. GONZALES: He hasn't argued --  
16 MR. PILEGGI: He didn't say he didn't  
17 remember, he said show me paperwork.  
18 MR. GONZALES: You asked him this like  
19 two hours ago. And he said that he didn't  
20 recall.  
21 MR. PILEGGI: And I'm asking him again,  
22 after he sees Walker's Affidavit, very detailed  
23 Affidavit, as to what his actions were, as well as  
24 his own.

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1 MR. GONZALES: Objection, asked and  
2 answered.  
3 You can answer it again.  
4 THE WITNESS: He did go from a concerned  
5 citizen to a confidential informant.  
6 MR. PILEGGI: I know that, you said that  
7 three times.  
8 MR. GONZALES: He wants to know did you  
9 sign him up.  
10 THE WITNESS: I don't know if I signed  
11 him up or not. I would have to see the paperwork.  
12 BY MR. PILEGGI:  
13 Q. And you're referring to what paperwork?  
14 A. The Master file you referred to it as. That  
15 paperwork.  
16 Q. But, again, clarity's sake, you were the lead  
17 investigator, you were the one handling the information  
18 with Al. You were the one that was involved with Al.  
19 Identifying Mr. Freeman, all that. Right?  
20 MR. GONZALES: Objection. First of all,  
21 it's compound.  
22 Second of all, it's asked and answered.  
23 MR. PILEGGI: Now I want to just -- a  
24 couple things I want to attach. Um, I want to go

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1 back to Reggie Graham's cooperation with the  
2 Federal government, during the investigation of  
3 you by the Federal government. As well as your  
4 fellow officers.  
5 Let's mark that -- you know, why don't  
6 we do it collectively. I'm going to...  
7 Do you have an objection there, John?  
8 MR. GONZALES: No, I'm just looking. I  
9 see there's no Bates numbers on these documents,  
10 so I'm just curious where they came from.  
11 MR. PILEGGI: What are we at, 15?  
12 I'm going to submit these collectively.  
13 \* \* \* \*  
14 (Reynolds Exhibit 15 was  
15 marked for identification.)  
16 \* \* \* \*  
17 MR. PILEGGI: You're being shown what's  
18 been marked collectively as Reynolds-15.  
19 \* \* \* \*  
20 (There was a discussion  
21 had off the record.)  
22 \* \* \* \*  
23 MR. PILEGGI: And I will submit to you,  
24 I understand you want to review them, but just

39 (Pages 287 to 290)



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1 generally speaking, I will submit to you that  
2 these are what we call 302s, which you're aware of  
3 what a 302 is?  
4 THE WITNESS: Correct.  
5 BY MR. PILEGGI:  
6 Q. What is it?  
7 A. It's when information is given to the FBI, an  
8 interview.  
9 Q. And, generally speaking, this is an interview  
10 or series of interviews, um, by the FBI to, um,  
11 Mr. Graham.  
12 A. Correct.  
13 Q. Former Police Officer Graham. Now, again,  
14 you worked with Reginald Graham on several cases,  
15 correct?  
16 A. Correct.  
17 Q. So to speak, you broke bread with him, didn't  
18 you. I mean, you -- well, did you ever -- did you ever  
19 meet with him socially?  
20 A. (No audible response.)  
21 Q. Maybe had a couple drinks or something?  
22 A. Outside of work?  
23 Q. Yes.  
24 A. Not really.

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1 Q. Okay. But you've done on occasions?  
2 A. I don't recall if I did or not.  
3 Q. All right. But you certainly joined in the  
4 lawsuit against me, he was one of your co-plaintiffs,  
5 wasn't he?  
6 A. He was.  
7 Q. Okay. And in particular, in that lawsuit you  
8 describe what you believe was abuse by myself on cases  
9 that I brought against you on behalf of my clients who,  
10 um, with allegations of civil rights violations, right?  
11 A. Correct.  
12 Q. And Reggie Graham was part of some of those  
13 cases. Not all of them, but some of them, right?  
14 A. Correct.  
15 Q. And you also described that you were aware  
16 that he wore a wire on you or other officers during the  
17 pendency of this FBI investigation, right?  
18 A. I believe he wore a wire. I don't think it  
19 was on me, though.  
20 Q. Okay. But he certainly provided information  
21 about what he believed was misconduct by yourself,  
22 Officer Walker, and Officer Liciardello, among other  
23 officers.  
24 A. Correct. If that's what it says in here.

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1 Like I said, I don't remember seeing this.  
2 Q. In fact, I think at one point in there he  
3 described you as dirty cops. And he didn't want to  
4 work with you.  
5 MR. GONZALES: Is there a page  
6 reference?  
7 THE WITNESS: Is it in here?  
8 MR. PILEGGI: Yeah. I'm saying.  
9 BY MR. PILEGGI:  
10 Q. Well, did you ever see any of those 302s  
11 before?  
12 A. I believe I have. I don't remember the gist  
13 of them.  
14 Q. They're Bates stamped. They were part of the  
15 trial against you, correct?  
16 A. Correct.  
17 Q. Okay. And, although he was never a witness,  
18 was he?  
19 A. He was not.  
20 Q. Although Walker was, but he was not.  
21 Do you know why?  
22 A. You'd have to ask the FBI that.  
23 Q. And in those 302s he describes different jobs  
24 where you were stealing money, beating people up, and

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1 falsifying documents.  
2 A. I believe that's in here, yes.  
3 Q. In general. And in particular, am I correct  
4 that he actually mentioned me with the lawsuits I was  
5 bringing and saying, and I'll quote, "Pileggi was right  
6 on the money the way they were writing up the jobs.  
7 And fabricating probable cause.  
8 MR. GONZALES: You're quoting, so what  
9 page are you quoting from?  
10 MR. PILEGGI: If you look at the  
11 highlighted --  
12 MR. GONZALES: Oh, you want us to review  
13 them. Okay.  
14 MR. PILEGGI: You'll see.  
15 BY MR. PILEGGI:  
16 Q. Would you remember in the -- okay, I'll  
17 strike that.  
18 Do you remember in the pendency of your  
19 criminal trial, where there was an issue about Reginald  
20 Graham's information, they provided -- that he provided  
21 to the Federal government?  
22 A. I believe it was proven. I'm not a hundred  
23 percent sure on this, so I'm not sure. But I believe  
24 that he lied to the investigators.

40 (Pages 291 to 294)



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1 Q. So you do recall.  
2 A. Well, I recall bits and pieces of it. I  
3 don't remember exactly, but I remember something along  
4 the gist of where he lied to the investigators.  
5 Q. About what?  
6 A. I have no idea. I don't recall. I just  
7 remember that -- that briefly, though. That that came  
8 up at some point that he lied.  
9 Q. Okay.  
10 A. To the FBI.  
11 Q. Okay. Were you ever provided with, um, you  
12 believe there was a wire worn on somebody.  
13 Were you ever provided with that -- that  
14 conversation?  
15 A. I believe there is a recording, and I  
16 believe, like I stated earlier, it's Graham, Williams,  
17 and Clahar. I don't remember exactly what the  
18 recording said or says, or what they speak about.  
19 Q. But am I correct that what's -- he provided  
20 to the investigators, focused a great deal on yourself,  
21 Licciardello, and Walker about stealing, lying?  
22 A. I don't know what he provided to the  
23 investigators. I know he got caught in a lie.  
24 Q. Do you recall testimony about the Kushner

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1 job?  
2 You recall Kushner, don't you?  
3 A. I do recall Kushner, yes.  
4 Q. And that was a job where Jeffrey Walker  
5 testified that yourself, Officer Licciardello, and  
6 Walker stopped Mr. Kushner, put him in a holding cell  
7 without charging him, took his keys to his apartment --  
8 let me finish the question.  
9 Went to his apartment with the key, and  
10 stole his safe with eighty thousand dollars in it?  
11 MR. GONZALES: Hold on. Objection.  
12 Is the question is that what happened,  
13 or do you remember the allegations being --  
14 MR. PILEGGI: Yeah, do you recall the  
15 allegations.  
16 THE WITNESS: They were the allegations,  
17 yes.  
18 BY MR. PILEGGI:  
19 Q. And they were allegations by Walker?  
20 A. No, they were allegations by him and  
21 Kushner. But then I remember during the trial  
22 Kushner's girlfriend got on the stand and was  
23 questioned about the safe. And her exact words were  
24 his safe wasn't in that apartment, it was in his other

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1 apartment.  
2 That was from Kushner's girlfriend on  
3 the stand.  
4 Q. What was her name?  
5 A. I have no idea. It's all in discovery.  
6 Q. You recall that, but you don't recall  
7 anything else.  
8 A. Well, I do recall that because it was a  
9 pretty key piece in our trial.  
10 Q. So, Kushner lied and Walker lied.  
11 A. Correct.  
12 Q. Okay. You didn't testify in that case,  
13 correct?  
14 MR. GONZALES: Asked and answered.  
15 You already asked him that. You know  
16 the answer.  
17 BY MR. PILEGGI:  
18 Q. You didn't testify in that case, correct?  
19 A. In which case, the Federal case?  
20 MR. GONZALES: No, no, you're not  
21 answering.  
22 Next question.  
23 \* \* \* \*  
24 (There was a discussion

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1 had off the record.)  
2 \* \* \* \*  
3 BY MR. PILEGGI:  
4 Q. Do you know if, um -- is there any  
5 documentation -- when you were taken off the street in  
6 conjunction with, uh -- I guess it was 2004, 2005, was  
7 there an investigation done by the Philadelphia Police?  
8 A. Yes.  
9 Q. In other words, Internal Affairs?  
10 A. It was done by Internal Affairs, to the best  
11 of my recollection.  
12 Q. Okay. And what did they investigate?  
13 A. All those cases where you filed lawsuits.  
14 Q. Right. Okay. But, are you saying you were  
15 taken off the street because of my lawsuits?  
16 A. Yes.  
17 Q. And then a couple years later you were  
18 arrested by the Federal government?  
19 A. That was four or five you said, '04 or '05.  
20 I was arrested by the Federal government July 31st,  
21 2014. So, give or take nine or ten years.  
22 Q. Have you discussed any of your testimony  
23 today, or any of the documents that you have received  
24 in conjunction with this case, with any of your

41 (Pages 295 to 298)

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1 co-defendants prior to your testimony?  
2 MR. GONZALES: Outside the presence of  
3 your attorney.  
4 MR. PILEGGI: Yes.  
5 THE WITNESS: No.  
6 BY MR. PILEGGI:  
7 Q. No. You had no discussions with Monaghan.  
8 A. No, the only time I was -- during the first  
9 deposition when I was going I called him to see if he  
10 got notified by the City for anything. He's retired.  
11 He said, no, I didn't hear nothing, I'm down the  
12 shore. So, that was it.  
13 Q. Were you aware that Monaghan's deposition's  
14 under seal?  
15 A. I'm not aware of that.  
16 Q. Do you know how it got under seal?  
17 A. I do not.  
18 MR. GONZALES: Do you know how it got  
19 under seal?  
20 MS. TAYLOR: I don't know.  
21 MR. PILEGGI: It's news to everybody.  
22 MR. GONZALES: Do you know?  
23 MR. PILEGGI: No idea. Woke up the next  
24 day.

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1 BY MR. PILEGGI:  
2 Q. Do you recall having a conversation with  
3 Monaghan at the day of his deposition, when you were  
4 laughing about how old this case was?  
5 A. I recall that in the deposition, yeah. We  
6 talked about just how long the case was. And he just  
7 laughed.  
8 Q. And do you recall sitting in his deposition?  
9 You were probably the only one present, right?  
10 A. I believe I was, yeah, I'm not sure. I know  
11 I was there, I don't know what other officers were  
12 there.  
13 Q. Do you recall an incident, during the  
14 deposition, on the second day of the depositions, of  
15 Walker where there was an allegation that Walker was  
16 threatened at a luncheon that, um, I forget what it's  
17 called. The sandwich shop, bay court?  
18 A. I do recall yes, where he said he felt  
19 threatened or something.  
20 Q. And that was placed on the record, do you  
21 recall that?  
22 A. When we came back from lunch, yes, it was.  
23 Q. Okay. And at that time you recall, because  
24 you were in courtroom, right, um, the judge admonished

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1 the defendants not to go near Mr. Walker or try to  
2 threaten him in any way or intimidation, right?  
3 A. I believe that came up, yes.  
4 Q. And then the last day when the deposition,  
5 there was some allegations that your -- co-defendant,  
6 Police Officer Liciardello, approached one of the  
7 plaintiffs and was making threatening gestures, let me  
8 say that.  
9 A. I don't recall that.  
10 Q. You don't recall the judge coming on the --  
11 A. I don't recall that part of it, no.  
12 MR. PILEGGI: I just want to put on the  
13 record that I want the Master file, or any  
14 information on AI. Any vouchers. Um, by the  
15 way, just if we could go back on the record.  
16 BY MR. PILEGGI:  
17 Q. Officer, while he was a confidential  
18 informant, if he did work for the police there would be  
19 a voucher, correct?  
20 A. There would be, yes.  
21 Q. And it would be detailed, the circumstances,  
22 if you say he made a buy or something, there would be  
23 detailed as the circumstances of the buy, dates, times,  
24 anything leading up to the buy itself.

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1 A. There would be, yes.  
2 Q. And there would be vouchers as to how much  
3 they were paid and et cetera, right?  
4 A. The investigation location, case number and  
5 all that.  
6 Q. All right. And he would be assigned an  
7 informant number, correct?  
8 A. Correct.  
9 Q. Would it always be a four-digit number?  
10 A. It varies, I don't know.  
11 MR. PILEGGI: All right. I would ask  
12 that, and I don't know how we -- can you do it by  
13 the name? I don't know -- we can go off the  
14 record for this.  
15 \* \* \* \*  
16 (There was a discussion  
17 had off the record.)  
18 \* \* \* \*  
19 MR. PILEGGI: One more thing I want to  
20 move into the record. Reynolds-16.  
21 \* \* \* \*  
22 (Reynolds Exhibit 16 was  
23 marked for identification.)  
24 \* \* \* \*

42 (Pages 299 to 302)

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1 MR. PILEGGI: Okay. I'm going to show  
2 you what's been marked as Exhibit 16. This is  
3 a -- and I'll submit to you this is part of  
4 the Philadelphia Policies and Procedures. Um, and  
5 in particular...

6 \* \* \* \*

7 (There was a discussion  
8 had off the record.)

9 \* \* \* \*

10 MR. PILEGGI: I'll submit to you that  
11 that's part of the policies and procedures of the  
12 Philadelphia Police Department. And in  
13 particular, the policies and procedures on  
14 confidential informants.

15 THE WITNESS: Confidential informants,  
16 yes.

17 MR. PILEGGI: Now, I asked you at the  
18 last deposition, um, some questions about your  
19 knowledge of the policies and procedures. And, in  
20 particular, with informants.

21 You said you didn't know of any policies  
22 and procedures.

23 BY MR. PILEGGI:

24 Q. Do you recall that?

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1 A. I remember there are certain steps that you'd  
2 have to do to sign them up, and I don't remember  
3 exactly what they are, but there is guidance.

4 Q. And did you follow those steps, or did  
5 whatever officer who signed AI up follow those steps?

6 A. They would have to be, or the Integrity  
7 Control Office wouldn't accept it. You had to have  
8 certain information in there in order to -- in order to  
9 sign someone up all this information had to be in  
10 there. And if it wasn't, they would send it back to  
11 you and say we need this or we need that, you know what  
12 I mean.

13 Q. And there's got to be certain checks and  
14 balances, right?

15 A. Correct.

16 Q. Okay. Now, pursuant to that policy, could  
17 you use a confidential informant who was committing  
18 criminal acts?

19 A. You'd have to know that they're committing  
20 criminal acts.

21 Q. That's not my question.

22 Could you use a confidential informant,  
23 under the policies and procedures of the police  
24 department, if they were engaging in criminal acts?

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1 A. Sources, confidential sources.

2 Q. And I asked you about informants.

3 A. No, there's policy on confidential  
4 informants, confidential sources there is not. There  
5 was not back then.

6 Q. Okay. So, was there a policy on confidential  
7 informants back in 2000? During the Freeman case and  
8 the Torain case?

9 A. Yes.

10 Q. And were you familiar with that?

11 A. Somewhat.

12 Q. Now, you had to take MPO training and --

13 A. Yeah, but that doesn't deal with the  
14 informants and all that.

15 Q. Well, how were you familiar with it?

16 A. Well, you would just get it and read it, and  
17 if there's new amendments that come out you read them,  
18 try to familiarize yourself with them.

19 Q. And is there anything -- is there any  
20 guidelines that you recall, without looking at -- the  
21 document obviously speaks for itself, is there any  
22 guidelines that you recall with regards to what you  
23 needed to do, um, when you're dealing with a  
24 confidential informant?

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1 A. I'm not sure what the policy says on it. I'd  
2 have to read it. But if someone's not in your presence  
3 and they're a confidential informant, and they're  
4 committing -- they're committing crimes, you don't know  
5 that.

6 Q. Okay. Fair enough. But if you find out that  
7 they're committing crimes --

8 A. You'd probably deactivate --

9 MR. GONZALES: Wait, let him finish the  
10 question, asking the question.

11 THE WITNESS: Sorry.

12 BY MR. PILEGGI:

13 Q. You have to deactivate him, right?

14 A. You probably would deactivate them, yes.

15 Q. Who's responsible for deactivating him?

16 A. Whoever signed the informant up. I'm  
17 assuming --

18 MR. GONZALES: Don't assume. If you  
19 know.

20 THE WITNESS: I don't know.

21 BY MR. PILEGGI:

22 Q. So, here's my question. Again, a  
23 hypothetical, if you were the one that signed him up as  
24 a confidential informant, right, and then you find out

43 (Pages 303 to 306)

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1 that he's engaged in criminal activity.  
2 Is it then your responsibility to  
3 deactivate them?  
4 A. Deactivate them, or just don't use them no  
5 more.  
6 Q. But don't you have to formally --  
7 A. I don't --  
8 Q. -- deactivate them through the police  
9 department?  
10 A. I don't know if it says that in the policy,  
11 I'd have to read it.  
12 Q. I'm asking your independent recollection.  
13 A. I don't have an independent recollection.  
14 MR. PILEGGI: Okay. Nothing further.  
15 MR. GONZALES: I just want to put  
16 something on the record.  
17 I'm sorry, do you have questions?  
18 MS. TAYLOR: No questions.  
19 MR. GONZALES: Earlier I made a  
20 statement about -- in response to a comment you  
21 made about whether Judge Diamond issued an actual  
22 order. And he did. And, so, I was mistaken, I  
23 want to correct the record.  
24 And it's at document Number 140, um,

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CERTIFICATE

I hereby certify that the testimony and  
the proceedings in the foregoing matter are  
contained fully and accurately in the  
stenographic notes taken by me, and that the  
copy is a true and accurate transcript of the  
same.

Ronald DeShields, Notary Public

The foregoing certification does not  
apply to any reproduction of the same by any  
means unless under the direct control and/or  
supervision of the certifying shorthand  
reporter.

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1 case Number 13, dash, 27, um, 73. And, so, an  
2 order was entered and, um, I stand corrected.  
3 MR. PILEGGI: What's the order say?  
4 MR. GONZALES: The order says -- well,  
5 it's a 6-page order, but the relevant portion of  
6 it says, at Paragraph 3, Defendant Liciardello  
7 and Spicer's alleged acts of intimidation are you  
8 referred to the United States Attorney's office of  
9 this District for investigation, um, so, end  
10 quote.  
11 So, I apologize to you for, um -- if  
12 there was any indication that I misrepresented  
13 anything. I was not aware of the order, I don't  
14 recall the order. Obviously it was entered, and  
15 I must have known about it at --  
16 MR. PILEGGI: Apology accepted.  
17 MR. GONZALES: Back in 2016 when it was  
18 entered, but I did not recall that being of  
19 record.  
20 So, I want to correct that.  
21 \* \* \* \*  
22 (The deposition concluded  
23 at 1:31 p.m.)  
24 \* \* \* \*

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INSTRUCTIONS TO THE WITNESS

Read your deposition over carefully  
It is your right to read your deposition and make  
changes in form or substance. You should assign a  
reason in the appropriate column on the errata  
sheet for any change made.

After making any changes in form or  
substance which have been noted on the following  
errata sheet along with the reason for any change,  
sign your name on the errata sheet and date it.

Then sign your deposition at the  
end of your testimony in the space provided. You  
are signing it subject to the changes you have  
made in the errata sheet, which will be attached  
to the deposition before filing. You must sign it  
in front of a witness. Have the witness sign in  
the space provided. The witness need not be a  
notary public. Any competent adult may witness  
your signature.

Return the original errata sheet to  
your counsel promptly. Court rules require filing  
within thirty days after you receive the  
deposition.

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## ERRATA SHEET

Attach to Deposition of: P/O Brian Reynolds

Taken on: September 23, 2021

In the matter of: Torain, v. City of Philadelphia,  
et al.

| PAGE | LINE NO. | CHANGE | REASON |
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1 ERRATA SHEET

2 Attach to Deposition of: P/O Brian Reynolds

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SIGNATURE PAGE

\*\*\*

I hereby acknowledge that I have read the foregoing transcript, dated September 23, 2021, and the same is a true and correct transcription of the answers given by me to the questions propounded, except for the changes, if any, noted on the Errata Sheet.

— by —

SIGNATURE: \_\_\_\_\_  
P/O Brian Reynolds

DATE: \_\_\_\_\_

WITNESSED BY: \_\_\_\_\_



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